

South Carolina Department of Natural Resources
Marine Resource Division
Office of Fisheries Management



**Distribution of Commercial Saltwater Fishing Laws and
Regulations, can we do better?**

Angel Curry Brown

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Introduction

A major component of the Certified Public Manager program includes a final project that is identified for the purpose of improving a process, product or service within your agency. The project has to have direct application to the work of the CPM participant and aligns with the goals of the section or agency as a whole. The initiative that I have chosen should improve communication and dissemination of laws and regulations to saltwater commercial fishermen operating in South Carolina coastal waters.

The mission of the South Carolina Department of Natural Resources is to serve as the principal advocate for, and steward of, South Carolina's natural resources and the agency's vision is to be a trusted and respected leader in natural resources protection and management, by consistently making wise and balanced decisions for the benefit of the state's natural resources and its people.

The purpose of researching this topic is to see if the current method of distributing materials to fisherman is the best, most efficient, and comprehensive way to disseminate regulations and information. Communication is key in today's world, is DNR doing their part ensuring we communicate the state of our natural resources?

Background

The Commercial License Section is housed in the Office of Fisheries Management within the Marine Resources Division of the South Carolina Department of

Natural Resources. The commercial license office is responsible for all aspects of commercial licensing; they are the first line when communicating with commercial fishermen. Fishermen come into this office and ask “what do I need to sell the fish I catch?”. In order to make sure we understand what fishermen need we ask a series of questions and have fishermen complete applications to be sure we capture all information necessary. After they are properly licensed they are given information, a Summary of Laws, on what they can and cannot do with the license they have purchased.

Currently there are two ways in which a fisherman can purchase a commercial saltwater fishing license from the Department of Natural Resources; 1) complete an application and mail it to DNR or 2) come in-person to one of nine locations (Charleston, Columbia at the Market, Columbia downtown, Florence, Clemson, York, and our point of sale agents in Beaufort, Georgetown, and Horry County). When a fisherman purchases a commercial license, he walks away with the license, vessel decals to secure on his vessel, and the Summary of Laws.

The Summary of Laws are informational handouts that have condensed laws from SC Code of Laws Title 50 (Fish, Game, and Watercraft) for the fisherman to review and familiarize himself with regulations pertinent to his fishery. Information on commercial saltwater licenses, commercial applications, as well as the summary of laws can be found on the Department of Natural Resources website <http://www.dnr.sc.gov/licenses/commercialpricing.html>. Fishermen can also go to <https://www.scstatehouse.gov/code/title50.php> and read all laws pertaining to fish, game and watercraft; SC Code of Laws Title 50, where our marine laws reside in

chapter 5. The Summary of Laws are code sections that are cherry picked from Title 50 and broken down by fishery. When a fisherman purchases a license often, they are participating in more than one fishery (see terms in Appendix 1). An example would be a commercial fisherman shrimping, using a trawl and harvesting shellfish. That fisherman would have a commercial license specifying he is operating a trawl and harvesting shellfish commercially, but he would also have two separate summary of laws, one for trawling and the other for shellfish (see Appendices 5 and 9).

The Department of Natural Resources annually distributes our “rules and regulation” book that contains important department contact information, laws/ regulations that have changed, laws/ regulations specific to fishing and hunting, and offers best steward tips for enjoying South Carolina’s natural resources. This “rules and regs” book is directed towards recreational hunting and fishing; commercial activities are not extensively addressed in this document.

Data Collection

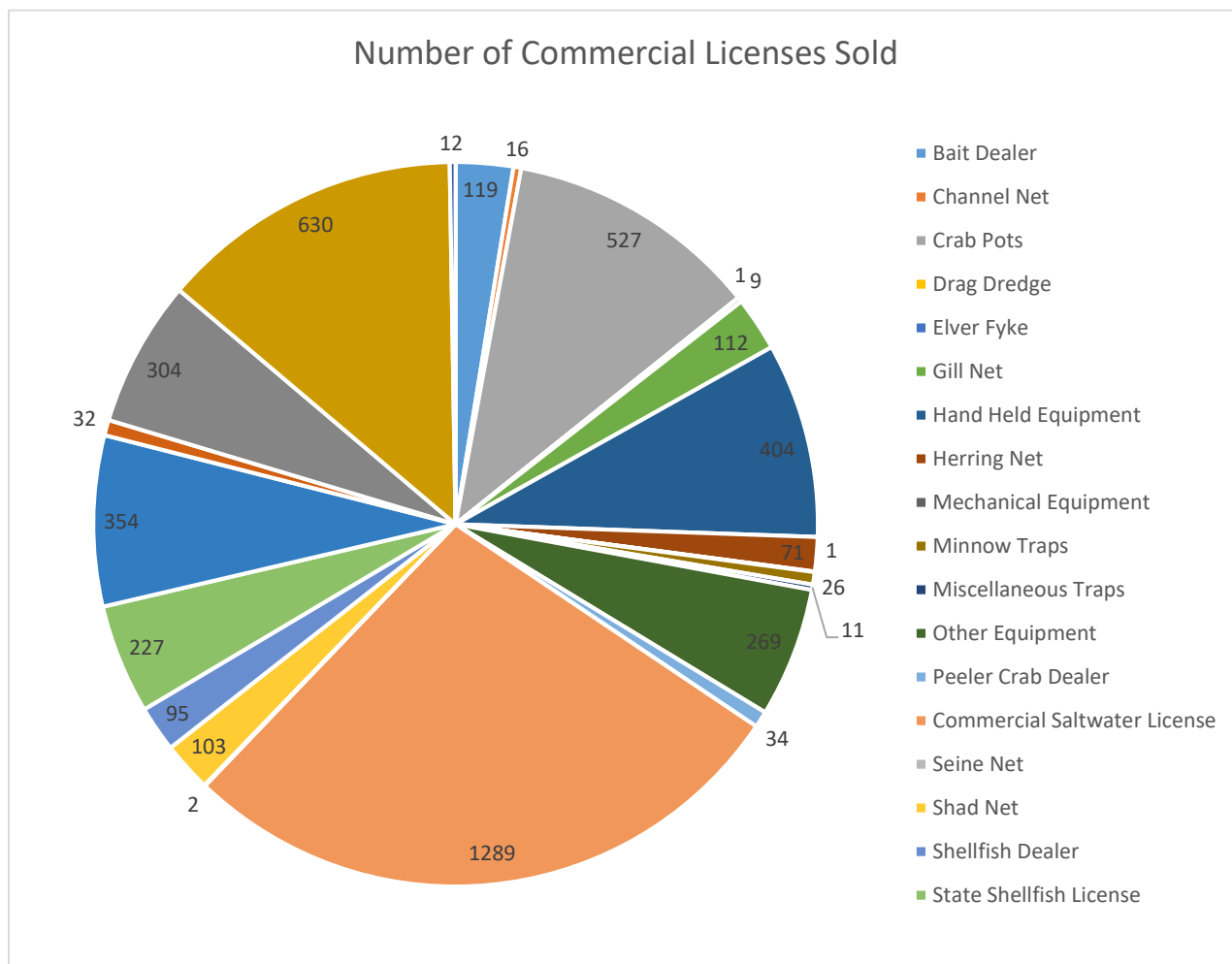
Researching this topic calls for reaching out to constituents that will be effected by the outcome; commercial fisherman. Commercial fishing has a legal definition but the best way to describe the audience is anyone that can make a living on the saltwaters of our state; which would be all commercial fishermen, charter fishermen, fishing piers, wholesale seafood dealers, and bait dealers. SC DNR sells twenty-nine types of commercial licenses not including charter and pier licenses for residents and non-residents (See Appendices 2 through 14).

My goal when collecting data was twofold to make sure I surveyed the intended audience and that I constructed my survey to get the best feedback possible. I ran reports that included a summary of numbers; how many of each license type did we sell in fiscal year 2018 (July 1, 2017 – June 30, 2018), individual reports for each fishery that would give me contact info for each fishermen, and then reached out to other coastal states to compare the way in which they disseminate regulations/ laws to commercial fishermen.

When contacting other coastal states, I initially asked for the numbers of licenses sold as well as number of fishermen and how the laws and regulations where disseminated. The results for that request per state was such a large range and varied in type so much the numbers seemed to not be relevant for the purpose of this research. I did however use the information given from each state in regard to what and how they distribute information to fishermen.

Data Analysis

In fiscal year 2018 DNR sold 4,006 commercial licenses (including wholesale seafood dealer and bait dealer licenses), 630 charter vessel licenses, and 12 public fishing pier licenses.



I surveyed seventy-eight individuals that participated in various fisheries via phone and in person interviews. I used the CPM survey for SC commercial fishermen (see Appendix 15) to ask if they were satisfied with what they receive now, do they understand it, would they prefer information be presented differently and what medium would they prefer it be communicated to them. All fishermen that I surveyed participated in more than one fishery and only ten (12.8%) of them were satisfied with the summary of laws they currently receive. That question was not open-ended, so fishermen who suggested what we could improve, or how we could potentially present

the information, were forced to say they were not satisfied initially. A potential issue and concern that 18 fishermen mentioned was updating information when emails, phone numbers or addresses change. I will address this concern later in the project with proposed solutions.

Neighboring coastal states provide information on regulations to fishermen in various ways. I took examples of each of those ways and listed them in my survey to our fishermen to get an idea of how they would like to see the information delivered. Other states provide information online and a printed version of their laws/ regulations. Although DNR does provide a printed copy of the laws/ regulations, the majority of the fishermen wanted to have a comprehensive book that include all commercial information that was condensed and clearly explained available as well as available online, including legal references. The majority of fishermen surveyed did not like summary of laws provided at time of purchase, and multiple fishermen stated it would be nice to not have to keep up with “all the paper”. When presented with the idea of a “commercial rules and regs book” all seventy-eight fishermen liked that option and further wanted to know when that would be available.

Florida, for example, has a fabulous website for their commercial fishermen <https://myfwc.com/fishing/saltwater/commercial/> where regulations are sorted by species and includes depictions of trap designs and vessel markings. Often when information is presented with visual examples it is much easier to comprehend and most fishermen want to be in compliance. Florida offers commercial fisheries data on their website as well for general numbers, more specific numbers have to be requested

through their office. South Carolina law protects the identity, direct or indirect, methodologies, areas fishing, etc. for all licensed or permitted fishermen, we can however in most cases disclose general information, number of fishermen, vessels, etc.

Georgia has a Commercial Saltwater Fishing Regulations Handbook available on their website <https://coastalgadnr.org/CommercialFishing> and available in offices. All commercial fishing information is included in this handbook, online Georgia also has a separate commercial shellfish webpage that fishermen can go to for more information and helpful links.

Virginia's commercial fishing regulations are extensive and available on their website <http://www.mrc.virginia.gov/commercial.shtm> and Virginia also has additional information on commercial crabbing and shellfish harvesting. Virginia's information provided to fishermen are not condensed versions, they provide exact code section of law, no summary or explanation for commercial fisheries. When assessing the information, Virginia has an elaborate licensing process, including transfers and all of those specifics can be cumbersome to summarize.

Louisiana provides commercial fishermen with different options <http://www.wlf.louisiana.gov/fishing/commercial-shrimp> when they purchase commercial licenses. The LA Wildlife and Fisheries website provides information on licenses, regulations, current season news, maps, task force, and data collection. They also provide a digital version of the commercial rules and regulations handbook, much like Georgia. Louisiana's handbook does include information on freshwater commercial fisheries, trip tickets, industry resources, and for-hire/ charter vessels.

Florida, Georgia, Virginia, and Louisiana are a few select states that offer different forms of information to their fishermen. After reviewing the options that are available it is best to see what will work for our state and our fishermen as a whole.

Implementation Plan

After compiling fishermen surveys and reflecting on conversations had with our fishermen it is clear that we as an agency need to make a few changes. A commercial law/regulations handbook summarizing laws, inserting code sections for reference, including examples and depictions in a comprehensive publication is one step that needs to be taken. The South Carolina Commercial Fishing Handbook, once developed, will also be placed on the SC DNR website for commercial fisheries. The commercial webpage will also need to have a makeover including the pdf version of the new commercial handbook. Commercial resources and helpful links to organizations like NOAA/National Marine Fisheries Service, US Coast Guard, South Atlantic Fisheries Management Council, and Atlantic States Marine Fisheries Commission to name a few would benefit fishermen. There is a possibility of having data collection information available on the commercial website but that will take more time and work as I would have to work with another section in that effort, I do not have direct control over that process, but think there is value in having it on the table as an option.

In response to the needs of the fishermen I have started the handbook for South Carolina fisheries, this handbook will need the input of multiple fisheries managers so the timeline for the end product will take estimated six months. The summer sampling season here at the Marine Resources Division in Charleston can be extremely busy so

that timeframe may have to be extended but the goal is to have a publication posted in fiscal year 2020 on the DNR commercial webpage. There is no additional cost to develop the commercial handbook and place on our website.

The possibility of having a printed version on this handbook will be dependent on budget and cost of the publication. I would recommend that we print no less than 5,000 copies available to fishermen in office. The 2018-2019 recreational rules and regulations book cost \$0.17 per copy, the department ordered 410,000 copies for a total of \$72,000.00. While the commercial handbook would not be as costly as the recreational rules and regulations handbook it will need to be approved and worked into the Office of Fisheries Management budget, this is again why I would suggest a fiscal year 2020 implementation.

The goal to have the South Carolina Commercial Fishing Handbook implemented in fiscal year 2020 would allow time for a follow up survey. This survey would target the same fishermen surveyed prior to the project. Answers to comparison questions related to the new comprehensive handbook vs. the old summary of laws would assist in evaluating the success of the project. Data collection indicating how many fishermen are using the handbook and how satisfied with the updated way in which information is provided will also be helpful. Commercial information will be updated annually, this process will run parallel to the recreational rules and regulations manual. Fisheries managers will have the opportunity to add/ edit information provided for their respective fisheries and once completed the commercial webpage will be updated.

Summary

The South Carolina Department of Natural Resources has defined our guiding principles in carrying out our mission as an agency. Two guiding principles DNR strives toward is stated as “Enhance public and private partnerships and open communications necessary to cooperatively protect and manage the state’s natural resources” and “Evaluate and improve agency functions and procedures to ensure efficiency, effectiveness, and accountability, emphasizing quality service to all customers, internal and external” (SC DNR website). Keeping our agency goal and guiding principles in mind, this proposal to better communicate and facilitate the commercial fishing laws and regulations with our fishermen just seems to make sense.

When implementing this new resource for the commercial industry it is paramount for staff to know this is a fluid document that needs to be amended as regulations and laws change on the state and federal level that would affect our commercial fisheries. Those changes can be changed online immediately with no cost and prior to printing new year version of the handbook all fisheries managers will be consulted to be sure commercial licensing staff has updated regulations.

Suggestions on the fishermen survey regarding communication about news and changes in fisheries can also be improved with time. This action would have to be separate from the Commercial Rules and Regulation Handbook, as the time, sections and budget in regard to different options will have to be researched further. Fishermen suggested that DNR have the ability to email commercial openings/ closings. Currently law states “In opening or closing any commercial fishing season pursuant to this

chapter, except under the emergency closure authority provided in Section 50-5-32, the department shall give at least twenty-four hours' notice of any action and shall use all reasonable means to inform the public" and the department only uses official posted mail from US Postal Service as means of notification. Fishermen requested that we send email additionally to the mailed notice. Other fishermen suggested that we could send SMS text blasts or voicemail notices via phone for notifications in addition to the notice that is mailed. A no cost option would be to post the opening/closings or any commercial fisheries related news on our updated webpage in a place that fishermen will know to go and check at their convenience. All of these options would start in my section after approval from the Marine Resource Division director, proposals of action items will be sent prior to the beginning of fiscal year 2020.

The Department of Natural Resources takes pride in our work and our states resources, we have shared internal values that we have an acronym for T.I.D.E.S. T- teamwork, I- integrity, D- dedication, E- excellence, S- service; we want all of our constituents to know how important our work, our natural resources and our citizens are to us. In the commercial licensing office, we work diligently so that our values and efforts are recognizable to our fishermen, putting in the time and effort towards an initiative such as described in this project will benefit everyone, a win-win if you will.

Works Cited

History and Purpose of the Dept. of Natural Resources, Guiding Principles
<http://www.dnr.sc.gov/admin/history.html>

General Information

South Carolina Code of Laws, Title 50 (all chapters)
<https://www.scstatehouse.gov/code/title50.php>

Florida fish and Wildlife Conservation Commission, Commercial Saltwater Fishing
<https://myfwc.com/fishing/saltwater/commercial/>

Georgia Department of natural Resources, Coastal Resources Division, Commercial Licensing
<https://coastalgadnr.org/CommercialFishing>

Virginia Marine Resources Commission, Commercial Fishing
<http://www.mrc.virginia.gov/commercial.shtm>

Louisiana Wildlife and Fisheries, Commercial Fishing
<http://www.wlf.louisiana.gov/fishing/commercial-fishing>

| Term | Definition |
|------------------------|---|
| Charter fishing vessel | a vessel used to transport recreational saltwater fishermen for hire and includes charter, party, and head boats. |
| Commercial equipment | (a) any trawl, haul seine, gill net, channel net, bull rake, seed fork, grabs, escalator, or dredge; and (b) any net, seine, trap, pot, tongs, rake, fork, trotline, or other device or appliance when used for taking or attempting to take fish for a commercial purpose. |
| Commercial purpose | (a) being engaged in buying or selling fish; (b) taking or attempting to take fish in order to derive income or other consideration; (c) using commercial equipment; and (d) otherwise being engaged in the fisheries industry with the intent to derive income. |
| Fish | finfish, shellfish including mollusks, crustaceans, horseshoe crabs, whelks (conchs), turtles, and terrapin or products thereof. |
| Fishing | all activity and effort involved in taking or attempting to take fish. |
| Fishery and fisheries | the interactions within and between: (a) the populations of fish or marine resources being harvested; (b) the populations of fishermen; (c) the method, equipment, and effort involved in taking or attempting to take fish; (d) the processing, transporting, offering for sale, or selling of fish or marine resources; and (e) the natural resources supporting that interaction. |
| Marine resource | any live, fresh, processed, or frozen whole, part, or portion of any marine organism, anadromous fish, or catadromous fish, to include shell deposits occurring upon or within state-owned bottoms and those lying above the mean high water mark if created by processes of natural accretion upon state-owned lands or bottoms. |
| Public fishing pier | piers open to the public which charge a fee to fish. |
| Salt waters | all waters of the rivers and their tributaries, streams, and estuaries lying seaward of the dividing line between salt water and freshwater and all impounded waters seaward of the dividing line between salt water and freshwater which are intermittently filled or drained by the action of the tide. |
| State waters | extend to the seaward limit of the territorial sea. |

Summary of Charter Fishing Laws

2017-2018

This document should be kept on board all charter vessels as a legal reference, not to supersede knowledge of the pertinent laws. Complete laws can be found at www.scstatehouse.gov.

License Requirements: [Section 50-9-540 (D)]

| | |
|-------------------------|----------|
| 6 or Fewer Passengers | \$150.00 |
| 7-49 Passengers | \$250.00 |
| More than 50 Passengers | \$350.00 |

*** USCG Credentials must be presented to obtain license ***

Definitions:

“Charter Fishing Vessel” means a vessel used to transport recreational saltwater fishermen for hire and includes charter, party and head boats. **[Section 50-5-15 (10)]**

Recreational saltwater fishing licenses; fees.

For the privilege of operating a charter fishing vessel in the salt waters of this State, the owner or operator must purchase an annual charter vessel license for **each** vessel for the following fee to:

- (1) Carry six or fewer passengers, \$150
- (2) Carry seven to 49 passengers, \$250
- (3) Carry 50 or more passengers, \$350

[Section 50-9-560 (C)]

Charter fishing vessel and public pier logs; penalties.

Charter fishing vessels shall maintain a log of the number of persons carried each trip, number of hours engaged in fishing, number of fish by species caught each day, and other information considered necessary by the Department. The logs must be submitted to the Department monthly by the tenth day of the following month.

A person licensed to operate a charter fishing vessel who fails to maintain or submit a log as required is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned for not more than thirty days, and a subsequent charter fishing vessel license must not be issued until the requirements of this subsection are met. **[Section 50-5-1915 (A)]**

Federal law requires that any operator of a for-hire vessel must have a valid U.S. Coast Guard issued Captain's License (appropriate for the specific number of passengers/tonnage). A copy of the captain's United States Coast Guard credentials must be furnished to the Department for verification purposes.

Charter fishing vessels properly licensed under Section 50-5-1930 may not have aboard more than a total of twenty-five dozen live or dead shrimp while upon the waters of this State from December 16 through April 30. **[Section 50-5-1105(C)]**

* If you no longer need your license please be sure to surrender it to the Commercial License office in Charleston (PO Box 12559 Charleston, SC 29422). If you have questions about surrendering your license please call (843) 953-9311.

Charter Vessel Logs

South Carolina Department of Natural Resources Reporting Requirements: [Section 50-5-1915]

- 1) All licensed charter vessels must submit daily trip reports to the Marine Resources Division's Fisheries Statistics Program, P.O. Box 12559, Charleston, SC 29422-2559 on a **MONTHLY** basis for all trips taken during the month.
- 2) Reports must be received by the 10th of the following month regardless of whether or not fish were caught. If no trips were made during the month, a single report must be submitted with "No Business For The Month Of (month)" printed on the middle of a report form.
- 3) Reports should be complete and accurate. This data is utilized by the Department for compiling federally mandated fishery compliance reports and serves as a data source used in the management of the State's marine resources.
- 4) Charterboat logbooks (with more detailed instructions) can be picked up from Room 215 in the Administrative Building at the Marine Resources Center on James Island, or can be mailed to license holders. For further information or questions, please call the Fisheries Statistics Program at 843-953-9313.
- 5) Charterboat logbooks are now available online. This electronic reporting tool will allow licensed charter vessel operators to report the required trip-level catch and effort data electronically in place of the current paper logbook. The electronic reporting tool collects the same data fields for catch and effort information as seen on the SCDNR paper logbook form. For further information or questions, please call the Charterboat Logbook Coordinator at 843-953-0119.

Charter Vessel Licenses

State licensed charter vessels who fish for federally managed species in the EEZ must obtain the appropriate permit for the fishery or fisheries in which they are engaged.

For HMS charter/headboat permits contact NMFS Permit shop at (888) 872-8862 or <https://hmspermits.noaa.gov>

For Dolphin Wahoo, Snapper Grouper, or Coastal Migratory Pelagics charter/headboat permits contact NMFS Southeast Regional Permit Office at (877) 376-4877 or <http://sero.nmfs.noaa.gov>

If you are convicted for an offense, there may be points assessed against your license or your privileges may be suspended if the statute requires it. Upon an accumulation of eighteen (18) or more points, the privileges of that license will be suspended for one year. Points and violations can be found in the SC DNR Rules and Regulations book or SC Code of Laws 50-5-2500(A).

If your license/ permit is suspended or revoked, you are entitled to an administrative appeal pursuant to the South Carolina Administrative Procedures Act. The review must be scheduled by the Administrative Law Court in accordance with the division's procedural rules. The scope of the hearing is limited to the issues set out by the Administrative Procedures Act and the division's procedural rules. Appeals must be filed and served within 30 days of suspension/ revocation notice with the Clerk of Court of Administrative Law Court 1205 Pendleton Street Suite 224 Columbia, SC 29201, telephone (803)734-0660.

Federal Permitting Requirements for Charter/Headboat Operators

Disclaimer: This document is for general informational purposes only. For specific permitting information, or to apply for a permit, contact the respective federal agency listed below.

Offices of the National Marine Fisheries Service:

SERO=National Marine Fisheries Service (NMFS) **Southeast Regional Office**, Authority for species from NC through east coast Florida.

NMFS Southeast Regional (SERO) Permit Office
(727) 824-5326 or (877) 376-4877
<https://sero.nmfs.noaa.gov/permits>

HMS=NMFS **Highly Migratory Species** Division, Authority for Sharks, tunas, swordfish and all billfish
Highly Migratory Species (HMS) Permit Office
(888) 872-8862
<https://hmspermits.noaa.gov>

Key to Permit Requirements:

| Species | Operator Card with SERO Required? | SERO Permit Required? | HMS Permit Required? |
|---------------------------|-----------------------------------|-----------------------|----------------------|
| Dolphin | X | X | |
| Wahoo | X | X | |
| Snapper/ Grouper Complex* | | X | |
| King Mackerel | | X | |
| Spanish Mackerel | | X | |
| Cobia | | X | |
| Sharks | | | X |
| Tunas | | | X |
| Swordfish | | | X |
| Billfish | | | X |
| | | | |

*includes snappers, groupers, amberjack, black sea bass (south), triggerfish, etc. See www.safmc.net for a complete list of snapper/grouper complex species

Summary of Wholesale and Bait Dealer Laws

2017-2018

This document is a legal reference to regulations, not to supersede knowledge of the pertinent laws. Complete laws can be found at www.scstatehouse.gov.

License Requirements: [Section 50-5-355, Section 50-5-360, Section 50-5-360 (B), Section 50-5-360 (C)]

| | <u>Resident</u> | <u>Non-Resident</u> |
|---|------------------------|----------------------------|
| Bait Dealer | \$25.00 | \$125.00 |
| Each location requires a separate license | | |
| Wholesale Dealer | \$100.00 | \$500.00 |
| Each location requires a separate license | | |
| Peeler Crab License | \$75.00 | \$375.00 |
| Must have Wholesale Dealer License | | |
| Shellfish Dealer | \$10.00 | \$50.00 |
| Must have Wholesale Dealer License | | |

Bait dealer licenses; fees; inspections; penalties.

The Department may inspect the business premises or floating equipment, or both, of a person applying for a bait dealer license and of a licensed bait dealer engaged in harvesting and selling bait.

[Section 50-5-355 (A)]

A licensed bait dealer who only sells fish or fishery products to be used solely as bait does not have to acquire a wholesale seafood dealer license. **[Section 50-5-355 (B)]**

Lawful and unlawful taking of shrimp;

It is unlawful to catch or take shrimp by any means for commercial purposes outside the General Trawling Zone or outside the legal channel net zones as established by the department, other than for sale as live bait, or in or near any waters or bottoms which have been baited by placing, depositing, or scattering any material to attract or lure shrimp toward the bait or to cause shrimp to congregate in the area where the bait is placed. Furthermore, it is unlawful to take or attempt to take shrimp by the use of a shrimp trap or shrimp pot. **[Section 50-5-1100(A)]**

Bait Dealer Harvesting live shrimp;

Any bait dealer harvesting live shrimp to be sold as bait:

- (1) must have in possession a valid bait dealer license;
- (2) must have a live bait tank or bait tanks aboard the harvesting vessel with a compatible aeration system;
- (3) may not have dead shrimp aboard; and
- (4) must be certified by the department as a bona fide bait dealer. The department may annually certify bona fide bait dealers, and this department certification must be in writing and must be in the bait dealer's possession at all times when harvesting live shrimp for bait or while in possession of live shrimp to be sold as bait. For purposes of certification the department may inspect the business premises and floating equipment of a person engaged in harvesting and selling shrimp to be used as bait. **[Section 50-5-1105 (D)]**

Wholesale seafood dealer, peeler crab, and molluscan shellfish licenses; display of license; roadside vendors; brood stock exception; penalties.

Except as provided in subsection (G), a person or entity who buys, receives or handles any live or fresh saltwater fish or any saltwater fishery products taken or landed in this State and packs, processes, ships, consigns, or sells such items at other than retail, and not solely for bait must first obtain a wholesale seafood dealer license. **A person who buys or receives such products solely from licensed seafood dealers is not required to obtain a wholesale seafood dealer license.** Each location at which products are to be packed, shipped, consigned, or bought, or to be sold at wholesale must be a permanent, non-mobile establishment, and must be separately licensed. **[Section 50-5-360 (A)]**

In order to engage in shedding peeler crabs, a person or entity must first be a licensed wholesale seafood dealer and be licensed for peeler crabs. Persons holding this license and engaged in shedding peeler crabs are authorized to receive, possess, and sell peeler crabs regardless of size. **[Section 50-5360 (B)]**

A person or entity required to obtain a wholesale seafood dealer license who receives molluscan shellfish must first be licensed for molluscan shellfish. Prior to obtaining a molluscan shellfish license, a person or entity must complete any shellfish training required by regulations promulgated by the South Carolina Department of Health and Environmental Control pursuant to Section [44-1-140](#). **[Section 50-5-360 (C)]**

Any licensed wholesale seafood dealer who buys or sells molluscan shellfish must first be certified by SC Department of Health and Environmental Control (843-953-0150) before they can purchase or sell shellfish.

The original or a legible copy of the wholesale dealer license must be displayed where a wholesale seafood dealer or his agent is selling or offering for sale saltwater fishery products. **[Section 50-5-360 (E)]**

Roadside vendors, transient dealers, or peddlers operating from vehicles, roadside stands, or other temporary locations who sell or offer for sale saltwater fishery products are retail dealers who must comply with the retail license and tax requirements of state and local law. The person or entity must be a licensed wholesale seafood dealer or must have received or purchased the products from licensed wholesale seafood dealers or other licensed retailers and must comply with the requirements of Section 50-5-375 (A). **[Section 50-5-360 (F)]**

A person or entity that solely produces fish or fishery products reared as offspring from brood stock in captivity, or purchases such fish or fishery products solely is not required to have a wholesale seafood dealer license. **[Section 50-5-360 (G)]**

Licensing requirements applicable to sale or transportation of live or fresh fish or saltwater fishery products; penalties. A person or entity who:

- (1) offers for sale any live or fresh fish or any saltwater fishery products, other than a licensed commercial saltwater fisherman licensed as a wholesale seafood dealer; or
- (2) transports live or fresh fish or any saltwater fishery products, other than a licensed commercial saltwater fisherman transporting his catch to a licensed wholesale seafood dealer; must have in his possession dated bills of lading, invoices, receipts, bills of sale, or similar documents showing the quantity of each species and type of saltwater fishery product being offered for sale or transported and the name of the licensed commercial saltwater fisherman or licensed wholesale seafood dealer from whom the products were purchased or received. **[Section 50-5-365 (A)]**

A person or entity including a licensed commercial saltwater fisherman who takes saltwater fishery products and sells the catch must sell the catch only to a wholesale seafood dealer licensed under this section or else he must be licensed as a wholesale seafood dealer under this section. **[Section 50-5-365 (B)]**

Without having obtained a valid wholesale seafood dealer license it is unlawful to:

- (1) buy or receive at other than retail live or fresh fish or any saltwater fishery products taken or landed in this State;
- (2) sell or offer fish or products for sale at other than retail or as allowed in subsection (B); or
- (3) transfer, ship, pack, or consign fish or products. **[Section 50-5-365 (C)]**

It is unlawful to purchase live or fresh fish or any saltwater products taken or landed in this State at other than retail from a person other than a licensed wholesale seafood dealer, provided: The fish or product may be purchased for use as bait from a licensed bait dealer; and A licensed wholesale seafood dealer may purchase from a licensed commercial saltwater fisherman. **[Section 50-5-365(D)]**

It is unlawful for a person or entity to sell or offer for sale live or fresh fish or any saltwater fishery products or to transport live or fresh fish or any saltwater fishery products without having in possession dated bills on lading, invoices, receipts, bill of sale, or similar documents showing the quantity of each species and type of saltwater fishery products are to be sold or transported and the name of the licensed commercial saltwater fisherman or licensed wholesale seafood dealer whom the products were purchased or received. As it relates to operation of a vessel or vehicle, this subsection does not apply to a licensed commercial saltwater fisherman transporting his catch to a licensed seafood dealer. **[Section 50-5-365 (E)]**

Purchase or removal from State for commercial purpose of saltwater fishery products not handled by licensed wholesale seafood dealer; penalty.

It is unlawful for a person not licensed as a wholesale seafood dealer to purchase, handle, barter, or trade saltwater fishery products taken, landed, produced or cultured in this State unless first handled by a licensed wholesale seafood dealer. This section does not apply to persons receiving live bait from a licensed live bait dealer. **[Section 50-5-370 (A)]**

No person may remove from this State for a commercial purpose any saltwater fish or fishery products taken, landed, produced or cultured in this State unless the fish or product is accompanied by original, dated bills of lading, invoices, receipts, bills of sale, or similar documents showing the quantity of each type of saltwater fish or fishery product being transported and the name of the licensed wholesale seafood dealer or retail establishment from whom the products were purchased or received. **[Section 50-5-370 (B)]**

Records of seafood dealers; inspection by department; penalties.

Every wholesale seafood dealer must keep and retain accurate records detailing the information required by the department for a period of not less than one year and shall open the records to the department for inspection upon reasonable demand. **[Section 50-5-375 (A)]**

Information or report by licensee or permittee to take saltwater fishery product for commercial or scientific purpose; confidentiality; penalties.

A person or entity licensed or permitted by the Department engaged in the take, distribution, or propagation of any saltwater fishery product for a commercial or scientific purpose must keep accurate records and may be required to provide accurate information and reports to the Department on forms

and by methods required by the Department for the administration and enforcement of saltwater fishery laws and for fisheries management purposes. The Department has concurrent authority with the United States to collect or require the submission of pertinent data specified pursuant to the federal Fishery Conservation and Management Act of 1976, as amended. Any information which directly or indirectly discloses the identity of a licensee or permittee or income amounts or trade secrets or other specialized methodologies for growing or taking or marketing saltwater fisheries products is not public information. Information on fisheries furnished by any source which is required by a state or federal law to be kept confidential is not subject to disclosure except when required by order of a court of competent jurisdiction. **[Section 50-5-380 (A)]**

Noncommercial information provided voluntarily to the Department in support of a resource or management activity is likewise confidential. Nothing in this section may be construed as to limit the use of such information in enforcement of this chapter. **[Section 50-5-380 (B)]**

The Department shall collect and analyze data pertinent to protection, propagation, promotion and management of marine resources. **[Section 50-5-380 (D)]**

Expiration of licenses and permits.

Licenses authorized under this article expire on June 30th following their effective date. Permits expire under the terms of individual permit. **[Section 50-5-385]**

Denial of or limitations on nonresident licenses.

The Department may deny issuance of any license or permit for commercial fishing equipment or activities to residents of any coastal state which denies the same privilege to South Carolina residents. The Department may limit the type of fishing equipment used, seasons, and areas where nonresidents may fish in accordance with comparable limitations placed upon South Carolina fishermen by the nonresident's state. **[Section 50-5-390]**

Wholesale seafood dealer prohibited from purchasing from unlicensed fisherman or dealer; maintenance of records; penalties.

It is unlawful for a wholesale seafood dealer to purchase shellfish from anyone other than a properly licensed and permitted commercial saltwater fisherman or another licensed wholesale seafood dealer. The dealer must maintain a record of all purchases of shellfish handled including the name and address of the person from whom purchased, the area where harvested, the type of shellfish purchased, the dates of harvest and purchase, and the commercial saltwater fisherman's license number. The record must be available for inspection by any law enforcement officer or Department personnel for one year after the date of sale. **[Section 50-5-1000 (A)]**

Persons who may not obtain or hold shrimp baiting license; penalty.

The following may not obtain or attempt to obtain a shrimp baiting license: any person who, or officer of a corporation which, is licensed as a wholesale seafood dealer. **[Section 50-5-1102 (A) (5)]**

No person holding a shrimp baiting license may be a person specified in subsection (A). **[Section 50-5-1102 (B)]**

A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days. **[Section 50-5-1102 (C)]**

State licensed wholesale seafood dealers who are engaged in handling or purchasing federally managed Atlantic Highly Migratory Species such as Tunas, Swordfish, or Sharks; or species federally managed by Southeast Regional Office such as Snapper-Grouper, Cobia, Spanish mackerel, King mackerel, Wreckfish, Dolphin/ Wahoo, Rock Shrimp and Golden Crab must obtain the appropriate federal dealer permit for the fishery or fisheries in which they are engaged.

For Atlantic Tunas Dealer permits contact NMFS Greater Atlantic Region at (978) 281-9370 or <https://www.greateratlantic.fisheries.noaa.gov/aps/permits/dealer/>.

For Shark Dealer permits, Domestic Swordfish Dealer permits, South Atlantic Snapper-Grouper Dealer permits, Atlantic Dolphin/Wahoo Dealer permits, South Atlantic Wreckfish Dealer permits, South Atlantic Rock Shrimp Dealer permits, and South Atlantic Golden Crab Dealer permits contact NMFS Southeast Regional Permit Office at (727) 824- 5326 or <http://sero.nmfs.noaa.gov/>.

Wholesale/ Bait Dealer Reporting Requirements

- 1) All licensed wholesale seafood and bait dealers must submit a trip ticket for each trip/transaction and a submittal/transaction form for each package of trip tickets submitted to the Marine Resources Division's Fisheries Statistics Program, P.O. Box 12559, Charleston, SC 29422-2559 on a monthly basis.**
- 2) Trip tickets must be received by the 10th of the following month. If no landings occurred in a given month, a submittal/transaction form must be submitted indicating "No Business".**
- 3) Trip tickets are required to be complete and accurate. Mandatory items (i.e. areas highlighted in gray) must be filled out, some of which will require information to be obtained directly from the commercial fishermen selling the seafood product.**
- 4) Trip ticket books (with more detailed instructions) for all commercial fisheries can be picked up from Room 215 in the Administrative Building at the Marine Resources Center on James Island, or can be mailed to license holders. For further information or questions, please call the Fisheries Statistics Program at 843-953-9313.**

*** If you no longer need your license please be sure to surrender it to the Commercial License office in Charleston (PO Box 12559 Charleston, SC 29422). If you have questions about surrendering your license please call (843)953-9311.**

As required by S.C. Code Section 8-29-10, applicants for a commercial license or permit are required to complete an affidavit entitled "Verification of Lawful Presence in the United States" certifying that the applicant is lawfully in the United States. The affidavit MUST be completed, notarized and returned with the application. If you are a US citizen, the properly filled out affidavit is all that is required. If you are not a US citizen, you will be required to provide documentation, which is subject to verification with the Department of Homeland Security. Specific types of documentation that may be provided can be found on Page 2 of the form, under "Accepted Immigration Documents." Your application for a commercial license or permit will be returned if the affidavit and documentation is not received and notarized. If your license/ permit is in a company name the owner/responsible party for the company must complete the affidavit and indicate the business information on the bottom right of the form. The affidavit only needs to be completed once if you are a U.S. Citizen 18 years of age or older, all others will be required to resubmit the affidavit each time an individual applies for a commercial license or permit from the Department.

If you are convicted for an offense, there may be points assessed against your license or your privileges may be suspended if the statute requires it. Upon an accumulation of eighteen (18) or more points, the privileges of that license will be suspended for one year. Points and violations can be found in the SC DNR Rules and Regulations book or SC Code of Laws 50-5-2500(A).

If your license/ permit is suspended or revoked, you are entitled to an administrative appeal pursuant to the South Carolina Administrative Procedures Act. The review must be scheduled by the Administrative Law Court in accordance with the division's procedural rules. The scope of the hearing is limited to the issues set out by the Administrative Procedures Act and the division's procedural rules. Appeals must be filed and served within 30 days of suspension/ revocation notice with the Clerk of Court of Administrative Law Court 1205 Pendleton Street Suite 224 Columbia, SC 29201, telephone (803)734-0660.

Summary of Crab Laws

2017-2018

This document should be kept on board all vessels engaged in commercial crabbing as a legal reference, not to supersede knowledge of the pertinent laws. Complete laws can be found at www.scstatehouse.gov.

License Requirements: [Section 50-5-300, Section 50-5-310, Section 50-5-360, Section 50-5-360 (B)]

| | <u>Resident</u> | <u>Non-Resident</u> |
|----------------------------------|-----------------|---------------------|
| Commercial Saltwater License | \$25.00 | \$300.00 |
| Crab Pots (up to 50 pots) | \$25.00 | \$125.00 |
| Each additional pot | \$1.00 | \$5.00 |
| Wholesale Seafood Dealer License | \$100.00 | \$500.00 |
| Peeler Crab License | \$75.00 | \$375.00 |
| (Must have Wholesale License) | | |

Note: Any person or firm engaged in processing or picking crabs must obtain certification from the South Carolina Department of Health and Environmental Control (DHEC).

Dividing line between salt and fresh water on rivers.

The dividing line between saltwater and freshwater on the rivers listed are defined in this section, and all waters of the rivers and their tributaries, streams, and estuaries lying seaward of the dividing lines are considered salt waters, and all waters lying landward or upstream from all dividing lines are considered freshwaters purpose of licensing and regulating commercial and recreational fishing. Except as otherwise provided below, the saltwater/freshwater dividing line is U.S. Highway 17:

- (1) On Savannah River the dividing line is the abandoned Seaboard Railroad track bed located approximately one and three-fourths miles upstream from the U.S. Highway 17A bridge.
- (2) Wright River is salt water for its entire length.
- (3) On Ashepoo River the dividing line is the Old Seaboard Railroad track bed.
- (4) On New River the dividing line is at Cook's Landing.
- (5) Wallace River, Rantowles Creek, Long Branch Creek, and Shem Creek are salt water for their entire lengths.
- (6) On the Edisto River the dividing line is the abandoned Seaboard Railroad track bed near Matthews Canal Cut.
- (7) On the Ashley River the dividing line is the confluence of Popper Dam Creek directly across from Magnolia Gardens.
- (8) On the Cooper River the dividing line is the seaward shoreline of Old Back River at the confluence of Old Back River downstream from Bushy Park Reservoir.
- (9) Wando River is salt water for its entire length.
- (10) On the Intracoastal Waterway in Horry County the dividing line is the bridge across the Intracoastal Waterway at the intersection of S.C. Highway 9 and U.S. Highway 17. **[Section 50-5-80]**

Unlawful activities affecting others; penalty.

It is unlawful:

- (1) to remove, willingly damage, or interfere with any fishing equipment belonging to another;

- (2) to remove the catch without possessing written permission of the owner of the equipment, except channel nets must be operated only by the licensee; or
- (3) to willingly interfere with or impede lawful fishing activity. **[Section 50-5-105 (A)]**

Commercial equipment licenses and fees; specification of vessel on which used; tagging of equipment; penalties.

No person may hold or apply for more than one trap license. **[Section 50-5-325 (D)]**

Display of licenses, permits, and vessel's identification decal; transfer of licenses; penalty.

While exercising the privilege of a license or permit the license, operator, or permittee must display or keep on his person the license or permit, and the license or permit must be produced on demand of Department personnel or other law enforcement personnel. **[Section 50-5-350 (A)]**

Licenses and permits are not transferable; however, any licensed commercial saltwater fisherman may operate any licensed commercial equipment with written permission of the owner except:

- (1) channel nets; and
- (2) any commercial equipment licensed at the resident fee when the nonresident fee is greater if the operator is a non resident. **[Section 50-5-350 (B)]**

The operator and the owner of a vessel used for commercial purposes must have aboard the required commercial equipment licenses and permits and display the vessel's identification decal provided by the Department. **[Section 50-5-350 (C)]**

Denial of or limitations on nonresident licenses.

The Department may deny issuance of any license or permit for commercial fishing equipment or activities to residents of any coastal state which denies the same privilege to South Carolina residents. The Department may limit the type of fishing equipment used, seasons, and areas where nonresidents may fish in accordance with comparable limitations placed upon South Carolina fisherman by the nonresident's state. **[Section 50-5-390]**

Commercial crab traps; escape vent requirements; peeler trap exemption.

Except as provided in this section, from June 1 through March 14, a trap used for taking blue crab used for commercial purposes must have at least two unobstructed, circular escape vents (rings) which must be two and three-eighths inches or greater in inside diameter and located on vertical surfaces. At least one vent (ring) must be in the upper chamber. All vents (rings) must be within two inches of the horizontal partition or the base of the trap.

A trap used for taking blue crab constructed of a single chamber must have at least one two and three-eighths inch or larger inside diameter escape vent (ring) located on a vertical surface within two inches of the base of the trap. Peeler traps are exempt year round. **[Section 50-5-545(A)(B)]**

Trap buoy size, material, catch release feature and identification tag or other identifying information requirements; seizure of unmarked traps.

Other than minnow traps not used for a commercial purpose, and traps with lines attached to a shore based structure and not used for a commercial purpose, each trap set in the waters of this State must

have attached to it a buoy made of solid, buoyant material which does not sink if punctured or if cracked. A spherical or nonspherical primary buoy must be attached to each trap. A nonspherical buoy must be at least ten inches in length and five inches in diameter or width. A spherical buoy must be at least six inches in diameter. No plastic, metal, or glass bottles or jugs may be used as a buoy, and no buoy attached may be made of a material which could sink if punctured or cracked. No floating line or rope may be used. **[Section 50-5-550 (A)]**

The Department may require that each trap set in the salt waters of this State have catch release features and identification tags designated by the Department. **[Section 50-5-550 (B)]**

Each licensed commercial saltwater fisherman licensed to fish traps must acquire identification number assigned by the Department. The assigned identification number must be burned or branded on each primary trap buoy in numerals of at least two inches in height, must be clearly legible, must be in a color contrasting that of the buoy and must be unobstructed and visible when the buoy is at rest in the water. **[Section 50-5-550 (C)]**

The buoy of traps used by individuals for personal use as provided by law in lieu of the identification number required on commercial traps must bear the owner name and current address and must be yellow in color. **[Section 50-5-550 (D)]**

A trap not marked in accordance with this selection is contraband and must be seized and disposed of as provided in this chapter. **[Section 50-5-550 (E)]**

Trap placement and attention requirements; department inspection, removal, seizure, and disposal. No trap may be placed within six hundred feet of a public boat ramp or launching area. **[Section 50-5-555 (A)]**

No trap may be set so as to leave any portion of the trap dry at any stage of the tide. **[Section 50-5-555 (B)]**

No trap may be unattended for more than five days. Without having written permission of the owner, no person may retrieve or remove catch from any trap with a buoy of which is marked with a number assigned by the Department to another person. **[Section 50-5-555 (C)]**

No trap may be set so as to obstruct navigation in any creek or other navigable water course, access point, or mooring point. A trap determined by the Department to be in violation of this section may be removed by the Department and disposed of as provided in this chapter. **[Section 50-5-555 (D)]**

The Department may inspect traps for compliance with this section at any time. If the Department finds any trap:

- (1) set in violation of this section;
- (2) containing excessive dead catch or only dead catch; or
- (3) with buoy, line, or trap displaying excessive marine growth, the trap is contraband and must be seized and disposed of as provided in this chapter. **[Section 50-5-555 (E)]**

Blue crab traps on Cooper River.

Notwithstanding the provisions of Chapter 13 of Title 50, traps used for taking blue crabs may be fished on Cooper River upstream to the confluence of the east and west branches of Cooper River; provided that all requirements of Chapter 5 are complied with. **[Section 50-5-560]**

Taking of sponge crabs prohibited; import permits; penalties.

It is unlawful for a person to take, possess, sell, or offer for sale, any crab or female crab from which the sponge has been removed. It is not unlawful to temporarily take sponge crabs incidental to lawful crabbing operations so long as the sponge crabs are returned immediately to the water without further harm. **[Section 50-5-1300 (A)]**

The Department may grant permits to licensed wholesale seafood dealers to import and possess sponge crabs from states where taking and selling are lawful. **[Section 50-5-1300 (B)]**

The prohibitions of subsection (A) do not apply to the importation or sale of sponge crabs by a licensed wholesale seafood dealer who holds a permit granted under this section. **[Section 50-5-1300 (C)]**

Blue crabs; commercial taking at night prohibited; penalties.

Except as provided in this section, it is unlawful for a commercial saltwater fisherman licensed to set, move, fish, retrieve, or remove catch from traps which may be used to take blue crabs; or to transport aboard a vessel more than twenty-four blue crabs or parts or products thereof, during the following times:

(1) from 9:00 p.m. until 5:00 a.m. the following day, local time, from April 1 through September 15 inclusive; and

(2) from 7:00 p.m. until 6:00 a.m. the following day, local time, from September 16 through March 31 inclusive.

This prohibition does not apply to recreational fisherman using properly marked personal traps. A vessel rigged to use a licensed trawl may have blue crabs aboard at night if taken during lawful trawling activity; however, no vessel rigged for trawling may be used to set, move, retrieve, or remove catch from crab traps. **[Section 50-5-1305 (A)]**

Size limitations for blue crabs; peeler crab and clam mariculture exceptions.

Except as provided in this chapter, it is unlawful for a person to take, possess, sell or offer for sale any blue crab (*Callinectes sapidus*) of a size smaller than five inches measured from tip of one lateral spine across the back of the shell to the tip of the opposite lateral spine. It is not unlawful to temporarily take blue crabs of a size smaller than five inches incidental to lawful fishing operations so long as the undersized crabs are returned immediately to the water without further harm. **[Section 50-5-1310 (A)]**

Any licensed commercial saltwater fisherman licensed to harvest blue crabs may harvest or transport peeler crabs of less than five inches but must first obtain a written acknowledgement from a licensed peeler crab dealer in a form prescribed by the Department stating that the peeler crab dealer will accept peeler crabs from the licensed commercial saltwater fisherman. The acknowledgement must be dated and is not effective beyond ninety days from the date thereon. A licensed commercial saltwater fisherman must deliver undersized peeler blue crabs only to licensed peeler crab dealers from whom he has received the written acknowledgement. **[Section 50-5-1310 (B)]**

The Department may issue permits to persons engaged in clam mariculture for the capture, temporary possession, and transport of blue crabs or stone crabs of any size. The permittee must return all

captured stone crabs and sublegal blue crabs alive to water of comparable salinity. A permittee using more than two traps may retain legal size blue crabs and stone crab claws only if licensed as a commercial saltwater fisherman and licensed to use traps. **[Section 50-5-1310 (C)]**

Importation of undersize blue crabs; penalties.

It is lawful for licensed wholesale food dealers to import blue crabs of less than the minimum size specified in this article when permitted by the Department. Each shipment of imported blue crabs must have with it a bill of sale or other documentation dated no earlier than three days preceding the shipment from a licensed commercial saltwater fisherman or seafood dealer in the jurisdiction of origin verifying the crabs were lawfully taken. **[Section 50-5-1315]**

Identification of vessels taking blue crabs by trap; buoy colors; penalty.

Any vessel used in aid of taking blue crabs by trap or transporting live blue crabs by traps for commercial purposes must display crab trap identification numbers assigned by the Department as authorized in Article 5 of this chapter. The numbers must be displayed permanently and conspicuously on the outside of the hull on both the port and starboard sides of the vessel near midship. Individual letters and numerals must be no less than eight inches in height and six inches in width and of a color contrasting that of the hull. An unobstructed circle no less than eight inches in diameter, in a contrasting color must be displayed next to the trap identification number. The circle must consist of any one or two colors, other than black or yellow, which match the color or color combination utilized on the buoys of the crab traps being used. If two colors are used, each must cover one half of the circle. Colors must be such of hue and brilliance as to be easily distinguished and seen. The Department may approve and require crab fisherman to register color choices. **[Section 50-5-1320 (A)]**

Stone crabs; claw size, removal and sale limitations; penalty.

It is unlawful to take or possess a stone crab or stone crab parts except as provided herein. **[Section 50-5-1325 (A)]**

A stone crab having two claws may be temporarily taken for removal of the larger claw provided the larger claw is two and three-fourths inches in length or larger measured by a straight line from the elbow to the tip of the lower immovable claw finger, and the crab must be returned immediately to the water. **[Section 50-5-1325 (B)]**

It is unlawful to possess a female stone crab bearing visible eggs or to remove visible eggs or either claw from a female stone crab bearing visible eggs. **[Section 50-5-1325 (C)]**

It is unlawful to possess, sell, or offer for sell any stone crab claw, which has a forearm (propodus) of less than the size provided in subsection (B). **[Section 50-5-1325 (D)]**

Horseshoe crab permits, taking and handling requirements; penalty.

Taking or possessing horseshoe crabs (*Limulus polyphemus*) is unlawful except under permit granted by the department. A permit is not required to possess a cast off or molted shell (exoskeleton) of a horseshoe crab. **[Section 50-5-1330 (A)]**

The department may permit the taking or possession of horseshoe crabs. Permits granted under this section may include provisions as to lawful fishing areas; minimum size requirements for horseshoe crabs; mesh size and dimensions of nets and other harvesting devices; by catch requirements; fishing times or periods; catch reporting requirements; holding facilities, conditions, and periods; and other conditions the department determines. **[Section 50-5-1330 (B)]**

Horseshoe crabs from which blood is collected for production of amebocyte lysate may be held in facilities approved by the department and must be handled so as to minimize injury to the crab. Horseshoe crabs collected in this State must be returned unharmed to state waters of comparable salinity and water quality as soon as possible after bleeding unless subsequent retention is permitted. **[Section 50-5-1330 (C)]**

The taking of horseshoe crabs incidentally during legal fishing operations does not violate this section if the crabs are returned immediately to the water unharmed. **[Section 50-5-1330 (D)]**

No horseshoe crab collected in South Carolina may be removed from this State. **[Section 50-5-1330 (F)]**

Use of blue crab traps in certain locations.

It is unlawful to set a trap used for taking blue crab for commercial purposes within these waters of the State:

- (1) Pawley's Island Creek and Midway Creek on Pawley's Island in Georgetown County;
- (2) one hundred fifty feet of the mean low tide watermark on Atlantic Ocean shoreline of Pawley's Island in Georgetown County;
- (3) DeBordieu Creek and its tributaries and distributaries above the entrance to Bass Hole Creek and seaward of the causeways of Luvan Boulevard in Georgetown County;
- (4) the Sampit River above a line connecting the point on the eastern shoreline of Sampit River at its confluence with Winyah Bay at latitude 33° 21.08' N, longitude 79° 16.71' W and the point on the western shoreline of Winyah Bay generally south of its confluence with Sampit River at latitude 33° 20.68' N, longitude 79° 16.90' W in Georgetown County; and
- (5) Little Chechessee Creek in Beaufort County."

Individuals may set two crab pots for personal consumption and not for sale, (must have saltwater recreational fishing license). **[Section 50-5-1335] [Section 50-9-560 (A)]**

If you are convicted for an offense, there may be points assessed against your license or your privileges may be suspended if the statute requires it. Upon an accumulation of eighteen (18) or more points, the privileges of that license will be suspended for one year. Points and violations can be found in the SC DNR Rules and Regulations book or SC Code of Laws 50-5-2500(A).

If your license/ permit is suspended or revoked, you are entitled to an administrative appeal pursuant to the South Carolina Administrative Procedures Act. The review must be scheduled by the Administrative Law Court in accordance with the division's procedural rules. The scope of the hearing is limited to the issues set out by the Administrative Procedures Act and the division's procedural rules. Appeals must be filed and served within 30 days of suspension/ revocation notice with the Clerk of Court of Administrative Law Court 1205 Pendleton Street Suite 224 Columbia, SC 29201, telephone (803)734-0660.

As required by S.C. Code Section 8-29-10, applicants for a commercial license or permit are required to complete an affidavit entitled "Verification of Lawful Presence in the United States" certifying that the applicant is lawfully in the United States. The affidavit MUST be completed, notarized and returned with the application. If you are a US citizen, the properly filled out affidavit is all that is required. If you are not a US citizen, you will be required to provide documentation, which is subject to verification with the Department of Homeland Security. Specific types of documentation that may be provided can be found on Page 2 of the form, under "Accepted Immigration Documents." Your application for a commercial license or permit will be returned if the affidavit and documentation is not received and notarized. If your license/permit is in a company name the owner/responsible party for the company must complete the affidavit and indicate the business information on the bottom right of the form. The affidavit only needs to be completed once if you are a U.S. Citizen 18 years of age or older, all others will be required to resubmit the affidavit each time an individual applies for a commercial license or permit from the Department.

Due to the Atlantic Large Whale Take Reduction Plan new regulations apply to all pots set in the ocean (outside of the col regs line). The new regulations are required in waters off of the SC coast (state and federal waters) from September 1 - May 31. To see a detailed list of the regulations or to get additional information visit https://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/docs/Outreach%20Guides%20Updated%20May%202015/alwtrp_bluecrabguide_2015.pdf.

New regulations include:

- No buoy line floating at the surface.
 - No wet storage of gear (all gear must be hauled out of the water at least once every 30 days).
 - Fishermen are encouraged, but not required, to maintain knot-free buoy lines.
 - Trap/pot surface buoys to be marked to identify the vessel or fishery with one of the following: the owner's motorboat registration number and/or U.S. vessel documentation number; the federal commercial fishing permit number; or whatever positive identification marking is required by the vessel's home-port state.
 - When marking is not already required by state or federal regulations, the letters and numbers to mark gear must be at least 1 inch (2.5cm) in height, block letters or Arabic numbers, in a color that contrasts with the color of the buoy.
 - Buoy lines to be marked with one 4-inch (10.2 cm), ORANGE & BLUE, mark midway along the buoy line.
 - All buoys, flotation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength of no greater than 600 lb* when inside the 100fa contour line and of no greater than 1500 lb* when outside of the 100fa contour line;
 - All groundlines must be made of sinking line.
- * Weak links must be chosen from the list of NMFS approved gear, which includes: off the shelf weak links, rope of appropriate breaking strength, hog rings, and other materials or devices approved in writing. Weak links must be designed in such a way that the bitter end of the buoy line is clean and free of any knots when the weak link breaks.

Summary of Commercial Trawling Laws

2017-2018

This document should be kept on board all licensed trawlers as a reference to regulation, not to supersede knowledge of the pertinent laws. Complete laws can be found at www.scstatehouse.gov.

License Requirements: [Section 50-5-300, Section 50-5-310, Section 50-5-325]

| | <u>Resident</u> | <u>Non-Resident</u> |
|------------------------------|-----------------|---------------------|
| Saltwater Commercial License | \$25.00 | \$300.00 |
| Trawl Gear License | \$125.00 | \$300.00 |
| Commercial Vessel Decal | No Charge | No Charge |

Definitions:

- "Take" means to harass intentionally, hunt, capture, gather, harvest, remove, catch, wound, or kill or attempt to harass, hunt, capture, gather, harvest, remove, catch, wound, or kill. **[Section 50-5-15 (59)]**
- "Territorial sea" means that portion of the Atlantic Ocean under the jurisdiction of the State of South Carolina. **[Section 50-5-15 (60)]**
- "Trap" is an enclosed device used for taking fish, constructed to facilitate entry but prohibit or restrict exit of fish and is also called "pot". **[Section 50-5-15 (62)]**

Responsibility for determining location of commercial fishing vessel.

The operator of any vessel engaged in commercial fishing is responsible for accurately determining the location of his vessel in order that he not violate any closed or restricted areas. **[Section 50-5-115]**

Boarding of vessel by law enforcement officers; penalty for failure to allow boarding and to cooperate.

The operator and crew of any watercraft operating in state waters are required to heave to when signaled or hailed and allow boarding, and cooperate with Department personnel, law enforcement officers, or U.S. Coast Guard personnel. **[Section 50-5-120]**

Use of vessel within 300 feet of public fishing pier; penalty.

It is unlawful to use a vessel within three hundred feet of any public fishing pier that extends into the Atlantic Ocean. **[Section 50-5-125]**

Commercial equipment licenses and fees; specification of vessel on which used; tagging of equipment; penalties.

No person under the age of 16 years may operate a trawler as master. **[Section 50-5-325 (C)]**

Other than vessels solely transiting the State in interstate commerce, any vessel on or from which a trawl or trynet is used or transported must display a current identification decal provided by the Department. **[Section 50-5-325 (F)]**

Display of licenses, permits, and vessel's identification decal; transfer of licenses; penalty.

While exercising the privilege of a license or permit the licensee, operator, or permittee must display or keep on his person the license or permit, and the license or permit must be produced on demand of Department personnel or other law enforcement personnel. **[Section 50-5-350 (A)]**

The operator and the owner of a vessel used for commercial purposes must have aboard the required commercial equipment licenses and permits and display the vessel's identification decal provided by the Department. **[Section 50-5-350 (C)]**

Expiration of licenses and permits.

Licenses issued for trawling vessels expire on June 30th following their effective date. Permits expire under the terms of the individual permit. **[Section 50-5-385]**

Trawling prohibited.

It is unlawful to trawl in the waters of this State except as allowed in Chapter 5 of Title 50, SC Code of Laws. **[Section 50-5-700]**

Trawling Zone established.

South Carolina law establishes and defines in detail the General Trawling Zone. **[Section 50-5-705]**

Restrictions on trawling for shrimp in General Trawling Zone; prohibition on trawling outside General Trawling Zone; penalties; seizure and disposition of contraband.

It is lawful to trawl for shrimp or prawn in the General Trawling Zone only during those times and seasons set by the Department, and it is unlawful to trawl outside the General Trawling Zone, unless a special permit has been issued. **[Section 50-5-710]**

Trawling restriction areas within General Trawling Zone.

SECTION 50-5-715. Trawling restriction areas within General Trawling Zone.

(A) In the following areas trawling is restricted in the General Trawling Zone.

(1) Based on National Ocean Service (NOS) chart 11513 (22nd edition, July 12, 1997), all that area bounded by a closed line beginning at the point on the shoreline on the southwestern end of Hilton Head Island at latitude 32° 07.30' N, longitude 080° 49.50' W; thence following the shoreline of Hilton Head Island to the point on its northeastern end at latitude 32° 14.20' N, longitude 080° 40.65' W; thence northeasterly, following a straight line on a geodetic azimuth of 065 degrees, to the point one-quarter nautical mile seaward from the shoreline; thence southeasterly, southwesterly, and northerly following a line that is one-quarter nautical mile seaward of the shoreline to the point at the intersection of said line with the inshore trawl boundary across Calibogue Sound; thence following the inshore trawl boundary easterly to the point of beginning.

(2) Based on NOS chart 11513 (22nd edition, July 12, 1997), all that area bounded by a closed line beginning at the southernmost point of Fripp Island at latitude 32° 18.40' N, longitude 080° 30.05' W; thence following the shoreline of Fripp Island to its easternmost point at latitude 32° 19.35' N, longitude 080° 27.18' W; thence southeasterly, following a straight line on a geodetic azimuth of 155 degrees, to the point one-quarter nautical mile seaward from the shoreline; thence southwesterly

following a line that is one-quarter nautical mile seaward of the shoreline to the point at the intersection of said line and a straight line with a geodetic azimuth of 155 degrees from the point of beginning; thence following a straight line northwesterly to the point of beginning.

(3) Based on NOS chart 11513 (22nd edition, July 12, 1997), all that area bounded by a closed line beginning at the southernmost point of Hunting Island at latitude 32° 20.32' N, longitude 080° 27.28' W; thence following the shoreline of Hunting Island to its northernmost point at latitude 32° 23.50' N, longitude 080° 25.80' W; thence southeasterly, following a straight line on a geodetic azimuth of 100 degrees, to the point one-quarter nautical mile seaward from the shoreline; thence southwesterly following a line that is one-quarter nautical mile seaward of the shoreline to the point at the intersection of said line and the inshore trawl boundary across Fripp Inlet; thence following the inshore trawl boundary northerly to the point of beginning.

(4) Based on NOS chart 11521 (22nd edition, January 20, 1996), all that area bounded by a closed line beginning at the southernmost point (Bay Point) of Edisto Beach at latitude 32° 28.66' N, longitude 080° 20.18' W; thence following the shoreline of Edisto Beach to the point at latitude 32° 30.19' N, longitude 080° 17.78' W (nearest point on the shoreline to where S.C. Highway 174 enters the Town of Edisto Beach); thence southeasterly, following a straight line on a geodetic azimuth of 145 degrees, to the point one-half nautical mile seaward from the shoreline; thence southwesterly and northerly following a line that is one-half mile seaward of the shoreline to the point at the intersection of said line and the inshore trawl boundary across the South Edisto River; thence following the inshore trawl boundary easterly to the point of beginning.

(5) Based on NOS chart 11521 (22nd edition, January 20, 1996), all that area bounded by a closed line beginning at the point on Edisto Beach at latitude 32° 30.19' N, longitude 080° 17.78' W (nearest point on the shoreline to where S. C. Highway 174 enters the Town of Edisto Beach); thence northeasterly following the shorelines of Edisto and Edingsville Beaches and crossing the mouth of Jeremy Inlet to the point on Edingsville Beach at latitude 32° 31.42' N, longitude 080° 16.00' W; thence southeasterly, following a straight line on a geodetic azimuth of 145 degrees, to the point one-quarter nautical mile seaward from the shoreline; thence southwesterly following a line that is one-quarter nautical mile seaward of the shoreline to the point at the intersection of said line and a straight line with a geodetic azimuth of 145 degrees from the point of beginning; thence following a straight line northwesterly to the point of beginning.

(6) Based on NOS chart 11521 (22nd edition, January 20, 1996), all that area bounded by a closed line beginning at the southernmost point of Seabrook Island at latitude 32° 33.55' N, longitude 080° 10.50' W; thence following the shorelines of Seabrook Island and Kiawah Island and crossing the mouth of Captain Sam's Inlet to the point on Kiawah Island (Sandy Point) at latitude 32° 37.18' N, longitude 079° 59.65' W; thence southerly, following a straight line on a geodetic azimuth of 180 degrees, to the point one-quarter nautical mile seaward from the shoreline; thence southwesterly and northwesterly following a line that is one-quarter nautical mile seaward of the shoreline to the point at the intersection of said line and the inshore trawl boundary crossing the North Edisto River; thence following the inshore trawl boundary easterly to the point of beginning.

(7) Based on NOS chart 11521 (22nd edition, January 20, 1996), all that area bounded by a closed line beginning at the southernmost point of Folly Island at latitude 32° 38.40' N, longitude 079° 58.36' W;

thence following the shoreline of Folly Beach to the point at latitude 32° 39.28' N, longitude 079° 56.37' W (location of the Folly Beach--Edwin S. Taylor Fishing Pier); thence southeasterly, following a straight line on a geodetic azimuth of 150 degrees, to the point one-quarter nautical mile seaward from the shoreline; thence southwesterly following a line that is one-quarter nautical mile seaward of the shoreline to the point at the intersection of said line and the inshore trawl boundary across Stono Inlet; thence following the inshore trawl boundary northeasterly to the point of beginning.

(8) Based on NOS chart 11521 (22nd edition, January 20, 1996), all that area bounded by a closed line beginning at the point on the shoreline of Folly Island at latitude 32° 39.28' N, longitude 079° 56.37' W (location of the Folly Beach--Edwin S. Taylor Fishing Pier); thence northeasterly following the shoreline to the easternmost point of Folly Island at latitude 32° 41.10' N, longitude 079° 53.17' W; thence following the inshore trawl boundary northerly to the point one-half nautical mile seaward of the shoreline; thence southeasterly and southwesterly following a line that is one-half nautical mile seaward of the shoreline to the point at the intersection of said line and a straight line with a geodetic azimuth of 150 degrees from the point of beginning; thence following a straight line northwesterly to the point of beginning.

(9) Based on NOS chart 11521 (22nd edition, January 20, 1996), all that area bounded by a closed line beginning at the point of intersection of the submerged north jetty of Charleston Harbor with the shoreline of Sullivans Island at latitude 32° 45.46' N, longitude 079° 50.40' W; thence northeasterly following the shoreline of Sullivans Island, the seaward edge of the Breach Inlet bridge, and the shoreline of Isle of Palms to its easternmost point at latitude 32° 48.90' N, longitude 079° 43.09' W; thence southeasterly, following a straight line on a geodetic azimuth of 140 degrees, to the point one-half nautical mile seaward of the shoreline; thence southwesterly following a line that is one-half nautical mile seaward of the shoreline to the point at the intersection of said line and the inshore trawl boundary (the submerged north jetty of Charleston Harbor); thence following the inshore trawl boundary northerly to the point of beginning.

(10) Based on NOS chart 11535 (11th edition, April 18, 1992), all that area bounded by a closed line beginning at the southernmost point of Pawleys Island at latitude 33° 23.70' N, longitude 079° 08.48' W; thence following the shorelines of Pawleys Island, Litchfield Beach, and Magnolia Beach and crossing the mouth of Midway Inlet to the point of intersection with the south jetty for Murrells Inlet at latitude 33° 31.60' N, longitude 079° 01.90' W; thence following a straight line northerly across Murrells Inlet to the point on the north jetty at latitude 33° 31.96' N, longitude 079° 01.77' W; thence northeasterly following the shoreline to the point on Garden City Beach at latitude 33° 34.34' N, longitude 079° 00.13' W; thence southeasterly, following a straight line on a geodetic azimuth of 125 degrees to the point one-half nautical mile seaward of the shoreline; thence southwesterly following a line that is one-half nautical mile seaward of the shoreline to the point at the intersection of said line and a straight line with a geodetic azimuth of 110 degrees from the point of beginning; thence following a straight line northwesterly to the point of beginning.

(11) Based on NOS chart 11535 (11th edition, April 18, 1992), all that area bounded by a closed line beginning at the point on the shoreline on Garden City Beach at latitude 33° 34.34' N, longitude 079° 00.13' W; thence following the shoreline northeasterly and crossing the mouths of Singleton Swash, White Point Swash, and Hog Inlet to the point of intersection with the south jetty for Little River on the eastern end of Waites Island at latitude 33° 50.91' N, longitude 078° 33.21' W; thence following a

straight line easterly across Little River Inlet to the point on the north jetty on Bird Island at latitude 33° 50.97' N, longitude 078° 32.62' W; thence following the shoreline of Bird Island to its intersection with the South Carolina-North Carolina boundary line at latitude 33° 51.09' N, longitude 078° 32.50' W; thence southeasterly following the state-boundary line to the point one-half nautical mile seaward of the shoreline; thence southwesterly following a line that is one-half nautical mile seaward of the shoreline to the point at the intersection of said line and a straight line with a geodetic azimuth of 125 degrees from the point of beginning; thence following a straight line northwesterly to the point of beginning.

(12) Based on NOS chart 11532 (18th edition, June 1, 1996), all that area of North Santee Bay bounded by a closed line beginning at the point on the shoreline of Cedar Island at latitude 33° 08.36' N, longitude 079° 14.71' W; thence following a straight line northerly across the North Santee River to the southernmost point of Cane Island at latitude 33° 08.92' N, longitude 079° 14.92' W; thence following the eastern shoreline of Cane Island and crossing the mouth of an unnamed creek to the easternmost point of Crow Island at latitude 33° 10.04' N, longitude 079° 15.34' W; thence following a straight line northeasterly across North Santee Bay to the point on South Island at the south side of the mouth of Beach Creek at latitude 33° 10.43' N, longitude 079° 14.60' W; thence following the shoreline of South Island to its southernmost point (Santee Point) at latitude 33° 08.06' N, longitude 079° 14.38' W; thence following a straight line northwesterly across the North Santee River to the point of beginning.

(13) Based on NOS chart 11532 (18th edition, June 1, 1996), all that area of Winyah Bay bounded by a closed line beginning at the point where the shoreline of Sand Island intersects the south jetty for Winyah Bay at latitude 33° 11.43' N, longitude 079° 11.00' W; thence following the shorelines of Sand and South Islands to the point on South Island at latitude 33° 13.82' N, longitude 079° 12.16' W; thence following a straight line easterly passing approximately through the charted positions of a green light buoy marked "15" and a red nun or conical buoy marked "16" to the point on North Island at latitude 33° 14.00' N, longitude 079° 11.32' W; thence following the shoreline of North Island southerly and easterly to its intersection with the north jetty for Winyah Bay at latitude 33° 12.53' N, longitude 079° 10.43' W; thence following a straight line southwesterly across the entrance to Winyah Bay to the point of beginning.

(B) Those areas described in subsections (A)(1) through (A)(10) are closed to trawling from May 1 through September 15, inclusive.

(C) That area described in subsection (A)(11) is closed to trawling year round.

(D) Those areas described in subsections (A)(12) and (A)(13) are closed to trawling from December 16 through August 31 inclusive.

(E) A person who violates this section by trawling in a restricted area during the open season is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars and not more than one thousand dollars or imprisoned for not more than thirty days.

Disposal of trawl bycatch; penalty.

It is unlawful to dispose of trawl bycatch or waste fisheries products at any time into state waters within one-half nautical mile of any Atlantic Ocean beach for which trawling restrictions are provided.

[Section 50-5-720]

Trawling waters description references.

The descriptions of trawling waters in SC law refer to the National Oceanic Service Nautical Charts prepared by the National Oceanic and Atmospheric Administration (NOAA) and future revisions of these charts by the federal government. References to points of latitude and longitude in trawling laws are North American Datum 1983-1986 and take precedent over any reference to landmarks, buoys, jetties, or other physical features. **[Section 50-5-725]**

Trawling near public fishing pier; penalty.

It is unlawful to trawl within one-half nautical mile of any public fishing pier in the salt waters. **[Section 50-5-730]**

Night trawling; finfish exception.

Except under permit for trawling for fish at night, it is unlawful to trawl at night. Night as used in trawling allowances means:

(1) from April 1 through August 31 inclusive: 9:00 p.m. to 5:00 a.m. the following day, local time; and

(2) from September 1 through October 31 inclusive: 8:00 p.m. to 6:00 a.m. the following day, local time; and

(3) from November 1 through March 31 inclusive: 7:00 p.m. to 6:00 a.m. the following day, local time. **[Section 50-5-735]**

Blue crab trawling season; penalty for trawling out of season; seizure and disposal of contraband.

The Department may set a blue crab trawling season between December 1 of one year through March 31 of the following year. It is unlawful to trawl for crabs during the closed season. **[Section 50-5-740]**

Blue crab taken by legal shrimp trawlers.

The operator of a shrimp trawler may take, retain, and market lawful size blue crabs taken in the normal lawful process of trawling for shrimp during the seasons set for taking shrimp. **[Section 50-5-745]**

Crab trawling equipment restrictions; penalty.

It is unlawful to trawl for crabs with equipment with a mesh size of less than four inches stretched, and chafing gear of any sort must not be more than one-half the circumference of the tailbag. **[Section 50-5-750]**

Permits to trawl or dredge for finfish, blue crabs, whelks, and horseshoe crabs; limitations and conditions as to equipment;

The Department may grant permits to licensed commercial saltwater fisherman to trawl for finfish, blue crabs, whelks, or other marine resources in the General Trawling Zone and for horseshoe crabs in salt waters. A captain engaged in the activity must possess a valid permit for the purpose. A vessel lawfully engaged in taking shrimp with trawl nets having stretched mesh of less than two and one-half inches does not require a permit to retain lawful finfish, blue crabs, whelks, or other marine resource. **[Section 50-5-755 (A)]**

An annual permit must be obtained from the department for a boat or vessel before it takes sharks for commercial purposes in state waters. Permits granted under this section do not include income requirements but may include requirements for fishing times, periods, areas, gear, and equipment, catch limitations and reporting, and other conditions the department may determine to be necessary for management or regulatory purposes. In addition to department conditions, the use of gill nets to harvest sharks is prohibited in state waters at all times, and when taken by gill net, all sharks must be released immediately. **[Section 50-5-2725(B)]**

All permits must be obtained through the Permitting Office at the Office of Fisheries Management at 217 Ft. Johnson Road, Charleston, SC 29412, (843) 953-9311.

Illegal trawling.

The operator of any vessel operating in an area or during a time when trawling is restricted or prohibited and which vessel does not have its trawl doors completely out of the water is illegally trawling. **[Section 50-5-760]**

Use of turtle excluder devices; penalty.

A turtle excluder device (TED) must be used in trawl nets in the salt waters of this State under the same conditions required by federal regulations. **[Section 50-5-765]**

Shrimp trawl requirements; penalties.

It is unlawful to have on board a vessel or to trawl with any trawl or trawls having a total foot rope length greater than two hundred twenty feet, not including the foot rope length of:

- (1) a single trawl not greater than sixteen feet when used as a try net, or
- (2) any trawl bundled and stored below deck or secured in a locked bin or container on deck.

When a vessel is underway, this limitation applies to trawls attached to trawl doors. When a vessel is moored at a dock or anchored, this limitation applies to trawls attached to trawl doors or hung in the vessels rigging. **[Section 50-5-770]**

Persons who may not obtain or hold shrimp baiting license; penalty.

Any person who, or officer of a corporation which, owns a vessel specified on a trawl license or any person named as a master of a vessel specified on a trawl license application may not obtain or attempt to obtain a shrimp baiting license. **[Section 50-5-1102]**

Catch limits; bait dealer taking and possession requirements; penalties.

No trawler may have a cast net or other recreational shrimping gear aboard from December 16 through April 30. **[Section 50-5-1105 (C)]**

Lawful and unlawful taking of shrimp;

It is unlawful to catch or take shrimp by any means for commercial purposes outside the General Trawling Zone or outside the legal channel net zones as established by the department, other than for sale as live bait, or in or near any waters or bottoms which have been baited by placing, depositing, or scattering any material to attract or lure shrimp toward the bait or to cause shrimp to congregate in the area where the bait is placed. Furthermore, it is unlawful to take or attempt to take shrimp by the use of a shrimp trap or shrimp pot. **[Section 50-5-1100(A)]**

Information on TED requirements for trawl nets used in South Carolina's General Trawling Zone follows. Contact the National Marine Fisheries Service (NMFS) for design and construction details.

Basic TED requirements were changed beginning in the 2003 season to accommodate all sizes of turtles, including Leatherbacks.

There is one legal design of **soft TED**, the "Parker" TED. The escape hole is triangular with its leading edge 96 inches (stretched mesh) across, centered in the top of the net body just before the bag. This hole is covered with webbing with some allowable modifications.

A **hard TED** must have a grid size of at least 32x32 inches (outside grid dimension) with 4inch maximum space between the bars. The bottommost four inches of the deflective bars in both a bent-bar or straight-bar grid must not exceed 45° from horizontal. Bottom opening designs require a minimum of 10 pounds of floatation attached to the top half of the grid. The escape hole must measure at least 71 inches in horizontal (stretched mesh) width. The cover over this hole is sewn to the TED section webbing up to six inches past the trailing edge of the grid. Several types of grids, floats, and modifications to covers are allowed.

No **TED** is required for hand-retrieved nets (no winch, block, or pulley may be on board), but tow time is limited to 55 minutes from April 1 through October and 75 minutes from November 1 through March.

For Turtle Excluder Device information from NMFS Harvesting Technology Branch call (228) 762-4591.

NOAA has recently certified additional designs and materials for fishermen currently required to use turtle excluder devices. The effective date for these newly certified designs and materials is June 20, 2012. For additional details visit: <https://www.federalregister.gov/articles/2012/05/21/2012-12014/sea-turtle-conservation-shrimp-and-summer-flounder-trawling-requirements>.

A shrimp trawl made in part or in whole of any webbing less than two and one-half inches stretched mesh and exceeding a head rope length of sixteen feet used in the waters of this State must contain one or more Department approved, properly installed bycatch reduction devices (BRD). **[Section 50-5-770 (A)]**

Information on BRD requirements for trawl nets used in South Carolina's General Trawling Zone follows.

Since 1997, the basic requirements for **BRDs** remain the same in federal waters; however, in 1998 South Carolina approved standard was changed to reduce escape opening size to approximately half that required in federal waters.

BRD's must have at least an 18 square inch escape opening with a minimum of 4.25 inches inside opening dimension. This means a square opening must be 4.25 inches to a side and an oval 4.25 inches in the middle by 9 inches long. BRDs must be made of 3/8 inch steel or 1/2 inch aluminum rod and be mounted so that the opening is no more than 70% of the bag length forward from the tie-off. They may be mounted no more than 15 meshes from top center of the bag.

The **Expanded Mesh** BRD and **Expanded Mesh with Extended Funnel** BRD are also legal. Contact NMFS for design and construction details.

For more information about federally approved BRDs contact NMFS Harvesting Technology Branch at (228) 762-4591.

The Trawling Zones The following General Trawling Zone is established: Based on National Ocean Service (NOS) chart 11513 (22nd edition, July 12, 1997), that area seaward of a line, termed the inshore trawl boundary, beginning at the point of intersection of the north jetty (Oyster Bed Island Training Wall) of the Savannah River and the shoreline ('shoreline' herein defined as the line of Mean High Water) of Oyster Bed Island at latitude 32° 02.35' N, longitude 080° 53.05' W; thence following the shoreline of Oyster Bed Island to the point at the mouth of the Wright River at latitude 32° 02.92' N, longitude 080° 54.62' W; thence following a straight line northeasterly to the southernmost point of Turtle Island at latitude 32° 03.08' N, longitude 080° 54.42' W; thence following the shoreline of Turtle Island to the point at the mouth of the New River at latitude 32° 04.80' N, longitude 080° 52.97' W; thence following a straight line easterly to the southernmost point of Daufuskie Island (Bloody Point) at latitude 32° 04.92' N, longitude 080° 52.60' W; thence following the shoreline of Daufuskie Island to the point at latitude 32° 07.30' N, longitude 080° 50.40' W; thence following a straight line easterly across Calibogue Sound to the point on Hilton Head Island at latitude 32° 07.30' N, longitude 080° 49.50' W; thence following the shoreline of Hilton Head Island and crossing the mouths of Folly and Coggin Creeks to the northernmost point of Hilton Head Island at latitude 32° 16.26' N, longitude 080° 43.72' W; thence following a straight line westerly to a green square beacon marked '5' at latitude 32° 16.10' N, longitude 080° 44.14' W; thence following a straight line northerly to a red triangular beacon marked '4' at latitude 32° 16.38' N, longitude 080° 44.14' W; thence following a straight line easterly to a red nun or conical buoy marked '2' at latitude 32° 16.40' N, longitude 080° 42.40' W; thence following a straight line easterly to the point on Parris Island Spit at latitude 32° 16.72' N, longitude 080° 40.00' W (approximate location of flashing red day marker No. 246); thence following a straight line easterly to a red nun or conical buoy marked '26' at the mouth of the Beaufort River at latitude 32° 16.75' N, longitude 080° 39.20' W; thence following a straight line easterly to the point at the mouth of Station Creek at latitude 32° 16.72' N, longitude 080° 38.55' W; thence following the shorelines of Bay Point and St. Phillips Islands and crossing the mouth of Morse Island Creek to the point on St. Phillips Island at latitude 32° 17.00' N, longitude 080° 35.30' W; thence following a straight line easterly across Trenchards Inlet to the point at latitude 32° 17.00' N, longitude 080° 34.75' W; thence following the shorelines of Capers and Pritchards Islands and crossing the mouths of Capers, Pritchards, and Skull Inlets to the southernmost point of Fripp Island at latitude 32° 18.40' N, longitude 080° 30.05' W; thence following the shoreline of Fripp Island to its easternmost point at latitude 32° 19.35' N, longitude 080° 27.18' W; thence following a straight line northerly across Fripp Inlet to the southernmost point of Hunting Island at latitude 32° 20.32' N, longitude 080° 27.28' W; thence following the shoreline of Hunting Island to its northernmost point at the mouth of Johnson Creek at latitude 32° 23.50' N, longitude 080° 25.80' W; thence following a straight line northerly to the point on Harbor Island at latitude 32° 24.10' N, longitude 080° 25.63' W; thence following the shoreline of Harbor Island to the eastern end of the U.S. Highway 21 swing bridge at Harbor River at latitude 32° 24.20' N, longitude 080° 27.00' W; thence to the center of the swing span of the bridge at latitude 32° 24.26' N, longitude 080° 27.16' W; thence following a straight line northerly to the beacon on Combahee Bank at latitude 32° 28.07' N, longitude 080° 26.06' W; thence, based on NOS chart 11521 (22nd edition, January 20, 1996), following a straight line northeasterly to the point on Otter Island at the mouth of the Ashepoo River at latitude 32° 29.25' N, longitude 080° 25.15' W; thence following the shoreline of Otter Island to the point at the mouth of Fish Creek at latitude 32° 29.00' N, longitude 080° 23.24' W; thence following a straight line easterly across the South Edisto River to the southernmost point (Bay Point) of Edisto Beach at latitude 32° 28.66' N, longitude 080° 20.18' W; thence following the shorelines of Edisto and Edingsville Beaches and Botany Bay Island and

crossing the mouths of Jeremy, Frampton, and Townsend Inlets to the point on Botany Bay Island at latitude 32° 33.50' N, longitude 080° 12.00' W; thence following a straight line easterly across the North Edisto River to the southernmost point on Seabrook Island at latitude 32° 33.55' N, longitude 080° 10.50' W; thence following the shorelines of Seabrook and Kiawah Islands and crossing the mouth of Captain Sams Inlet to the point on Kiawah Island (Sandy Point) at latitude 32° 37.18' N, longitude 079° 59.65' W; thence following a straight line northeasterly across Stono Inlet to the southernmost point of Folly Island at latitude 32° 38.40' N, longitude 079° 58.36' W; thence following the shoreline of Folly Island to its easternmost point at latitude 32° 41.10' N, longitude 079° 53.17' W; thence following a straight line northerly across Lighthouse Inlet to the Morris Island lighthouse (abandoned) at latitude 32° 41.70' N, longitude 079° 53.03' W; thence following a straight line on a geodetic azimuth of 285 degrees to the shoreline of Morris Island; thence following the shoreline of Morris Island northerly to its point of intersection with the south jetty for Charleston Harbor at latitude 32° 43.91' N, longitude 079° 52.18' W; thence following the submerged jetty easterly to the point where its emergent portion begins at latitude 32° 43.85' N, longitude 079° 50.92' W; thence following a straight line northeasterly across the Charleston Harbor channel to the point where the emergent north jetty begins at latitude 32° 44.57' N, longitude 079° 50.00' W; thence following the submerged north jetty northerly to its point of intersection with Sullivans Island at latitude 32° 45.46' N, longitude 079° 50.40' W; thence following the shoreline of Sullivans Island, the seaward edge of the Breach Inlet bridge, and the shoreline of the Isle of Palms to its easternmost point at latitude 32° 48.90' N, longitude 079° 43.09' W; thence following a straight line northerly across Dewees Inlet to the point on Dewees Island at latitude 32° 49.65' N, longitude 079° 43.27' W; thence following the shoreline of Dewees Island to the point at latitude 32° 50.70' N, longitude 079° 42.03' W; thence following a straight line northerly across Capers Inlet to the southernmost point of Capers Island at latitude 32° 51.10' N, longitude 079° 41.87' W; thence following the shoreline of Capers Island to the point at latitude 32° 52.57' N, longitude 079° 39.30' W; thence following a straight line easterly across Price Inlet to the southernmost point of Bull Island at latitude 32° 52.57' N, longitude 079° 38.95' W; thence, based on NOS chart 11531 (19th edition, April 19, 1997), following the shoreline of Bull Island to its northernmost point at latitude 32° 55.98' N, longitude 079° 34.48' W; thence following a straight line northeasterly to the point at latitude 33° 00.38' N, longitude 079° 29.43' W; thence following a straight line in a northeasterly direction along Raccoon Key, thence crossing the mouth of Raccoon Creek to the point at latitude 33° 01.00' N, longitude 079° 25.25' W; thence following a straight line easterly across Key Inlet to the point of Cape Island at latitude 33° 00.46' N, longitude 079° 24.49' W; thence following the shoreline of Cape Island to the point at latitude 33° 00.61' N, longitude 079° 21.90' W (accretion in this area not shown on the nautical chart); thence following a straight line northeasterly to the point at latitude 33° 02.21' N, longitude 079° 21.04' W, thence following a straight line northeasterly across Cape Romain Harbor to the point on Murphy Island at latitude 33° 05.46' N, longitude 079° 19.72' W; thence following the shoreline of Murphy Island northeasterly to the point at latitude 33° 07.00' N, longitude 079° 16.97' W; thence following a straight line easterly across the South Santee River to the southwesternmost point of Cedar Island at latitude 33° 07.00' N, longitude 079° 16.58' W; thence following the shoreline of Cedar Island to the point at latitude 33° 08.36' N, longitude 079° 14.71' W; thence, based on NOS chart 11532 (18th edition, June 1, 1996), following a straight line northerly across the North Santee River to the southernmost point of Cane Island at latitude 33° 08.92' N, longitude 079° 14.92' W; thence following the eastern shoreline of Cane Island and crossing the mouth of an unnamed creek to the easternmost point of Crow Island at latitude 33° 10.04' N, longitude 079° 15.34' W; thence following a straight line northeasterly across North Santee Bay to the point on South Island at the south side of the mouth of Beach Creek at latitude 33° 10.43' N, longitude 079° 14.60' W; thence following the shoreline of South Island to its southernmost point (Santee Point) at latitude 33° 08.06' N, longitude 079° 14.38' W; thence following the shorelines of South and Sand Islands to the point of intersection with the south jetty for Winyah Bay at latitude 33° 11.43' N, longitude 079° 11.00' W; thence following the shorelines of Sand and South Islands to the point on South Island at latitude 33° 13.82' N, longitude 079° 12.16' W; thence following a straight line easterly passing approximately through the charted positions of a green light buoy marked '15' and a red nun or conical buoy marked '16' to the point on North Island at latitude 33° 14.00' N, longitude 079° 11.32' W; thence following the shoreline of North Island southerly and easterly to its intersection with the north jetty for Winyah Bay at latitude 33° 12.53' N, longitude 079° 10.43'

W; thence, based on NOS chart 11535 (11th edition, April 18, 1992), following the shoreline of North Island to the point at latitude 33° 19.03' N, longitude 079° 09.57' W; thence following a straight line northerly across North Inlet to the point on the south end of *Debidue* DeBordieu Island at latitude 33° 19.98' N, longitude 079° 09.60' W; thence following the shorelines of *Debidue* DeBordieu Island, Pawley's Island, Litchfield Beach, and Magnolia Beach and crossing the mouths of Pawley's Inlet and Midway Inlet to the point on the south jetty for Murrells Inlet at latitude 33° 31.60' N, longitude 079° 01.90' W; thence following a straight line northerly across Murrells Inlet to the point of intersection with the north jetty at latitude 33° 31.96' N, longitude 079° 01.77' W; thence following the shoreline northeasterly and crossing the mouths of Singleton Swash, White Point Swash, and Hog Inlet to the point of intersection with the south jetty for Little River on the eastern end of Waites Island at latitude 33° 50.91' N, longitude 078° 33.21' W; thence following a straight line easterly across Little River Inlet to the point on the north jetty on Bird Island at latitude 33° 50.97' N, longitude 078° 32.62' W; thence following the shoreline of Bird Island to its intersection with the South Carolina-North Carolina boundary line at latitude 33° 51.09' N, longitude 078° 32.50' W. **[Section 50-5-705]**

Maps Included With This Law Summary

These maps are illustrative only.

They should not be used to plot positions (points) for navigation purposes.

The listed positions should be plotted on National Ocean Service charts.

The General Trawling Zone (5 pages) These maps indicate the Territorial Sea Line, the inshore trawl boundary, and the trawling restricted areas within the General Trawling Zone. The restricted areas, as defined in law, are closed to trawling during part or all of the open season. Waters shoreward of the inshore trawl boundary are never open to trawling.

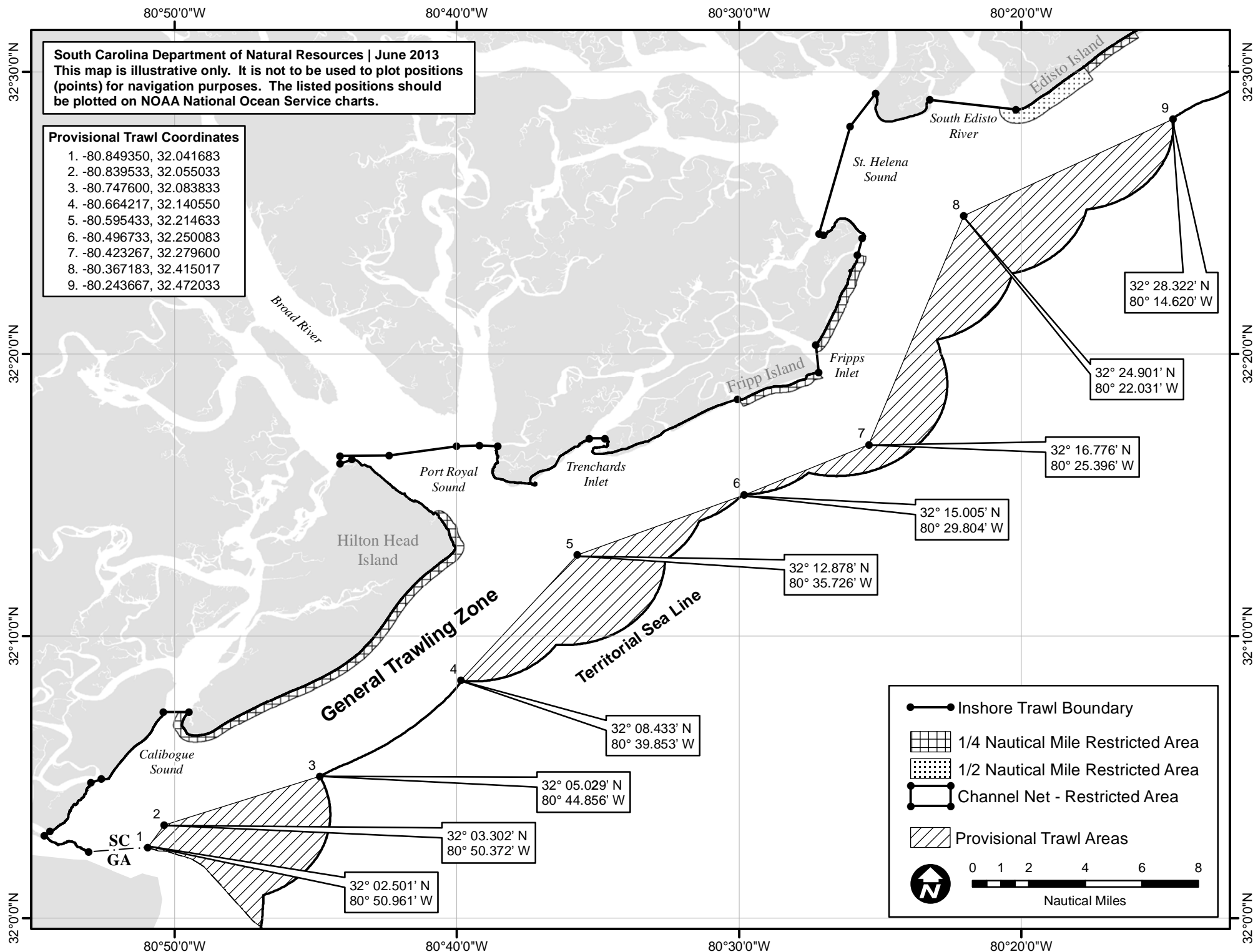
Provisional Trawling Areas (2 pages) These areas are delineated for management purposes as a means to allow trawling in seaward most areas of the Territorial Sea without opening or closing all of the General Trawling Zone. These seven areas could be opened when stocks of overwintering white shrimp are deemed large enough that limited harvest within state waters would not jeopardize the potential for the next year's white shrimp crops. Since each area is individually defined, the DNR may open any single area or combinations of these areas based on stock assessment.

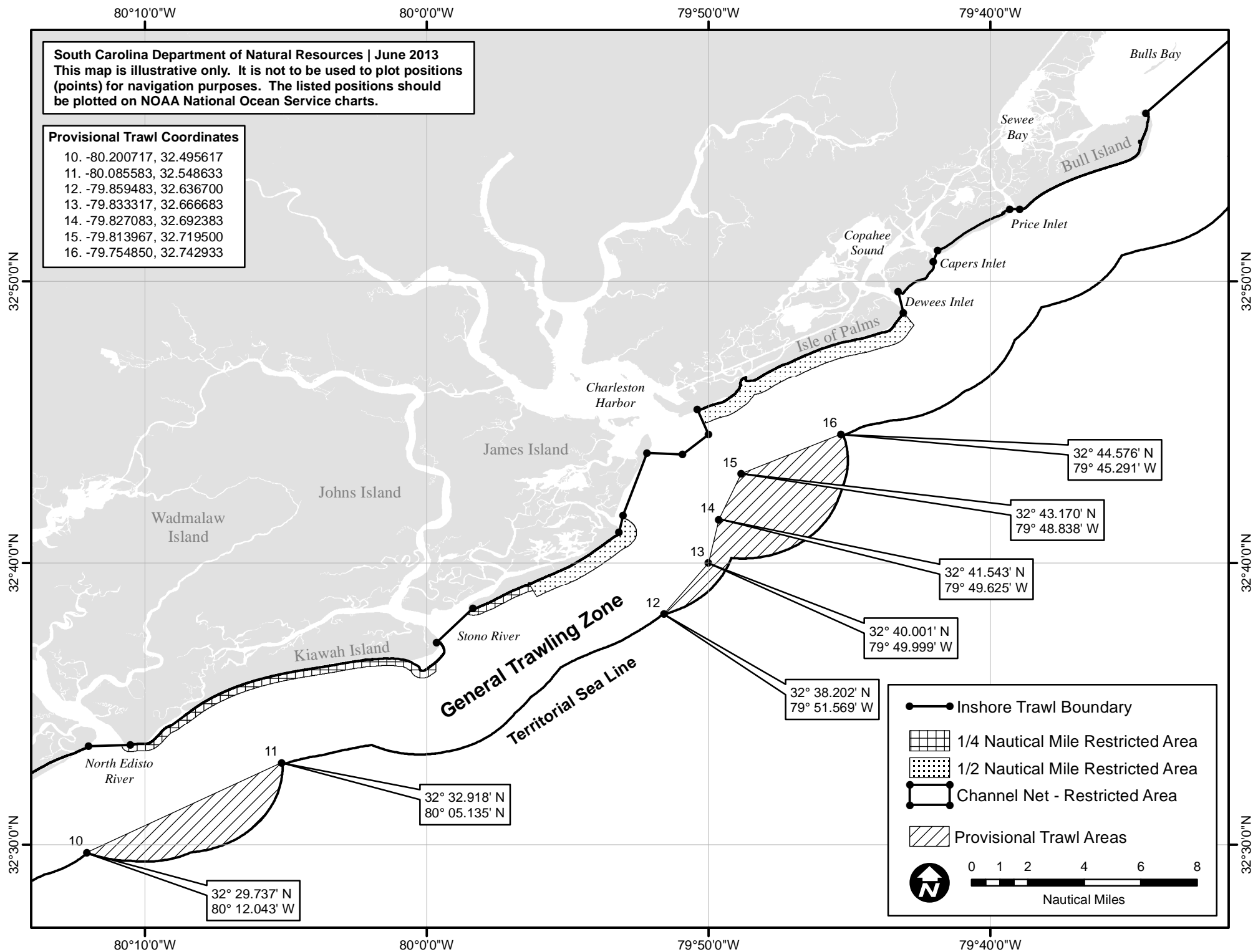
* If you no longer need your license please be sure to surrender it to the Commercial License office in Charleston (PO Box 12559 Charleston, SC 29422). If you have questions about surrendering your license please call (843)953-9311.

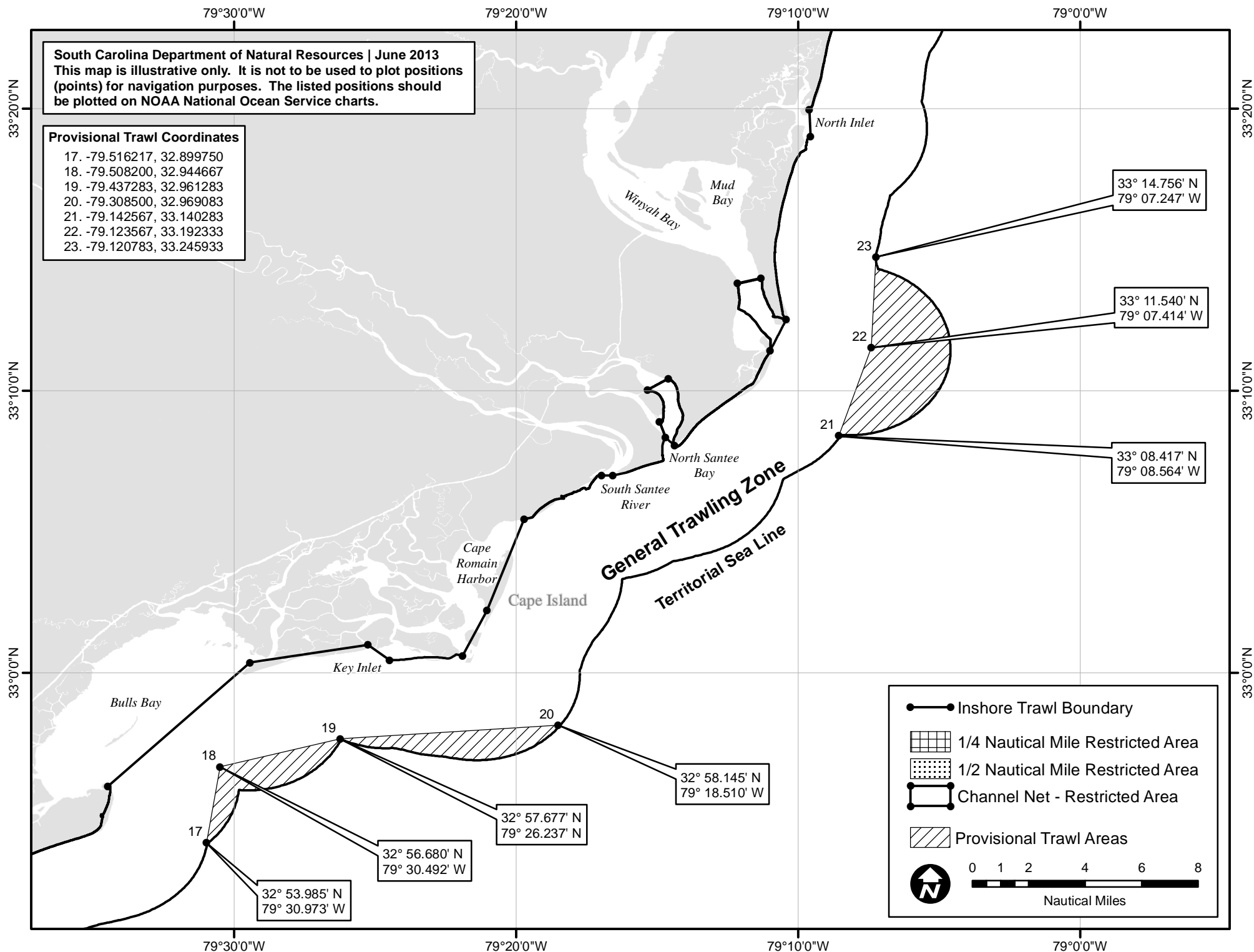
If you are convicted for an offense, there may be points assessed against your license or your privileges may be suspended if the statute requires it. Upon an accumulation of eighteen (18) or more points, the privileges of that license will be suspended for one year. Points and violations can be found in the SCDNR Rules and Regulations book or SC Code of Laws 50-5-2500(A).

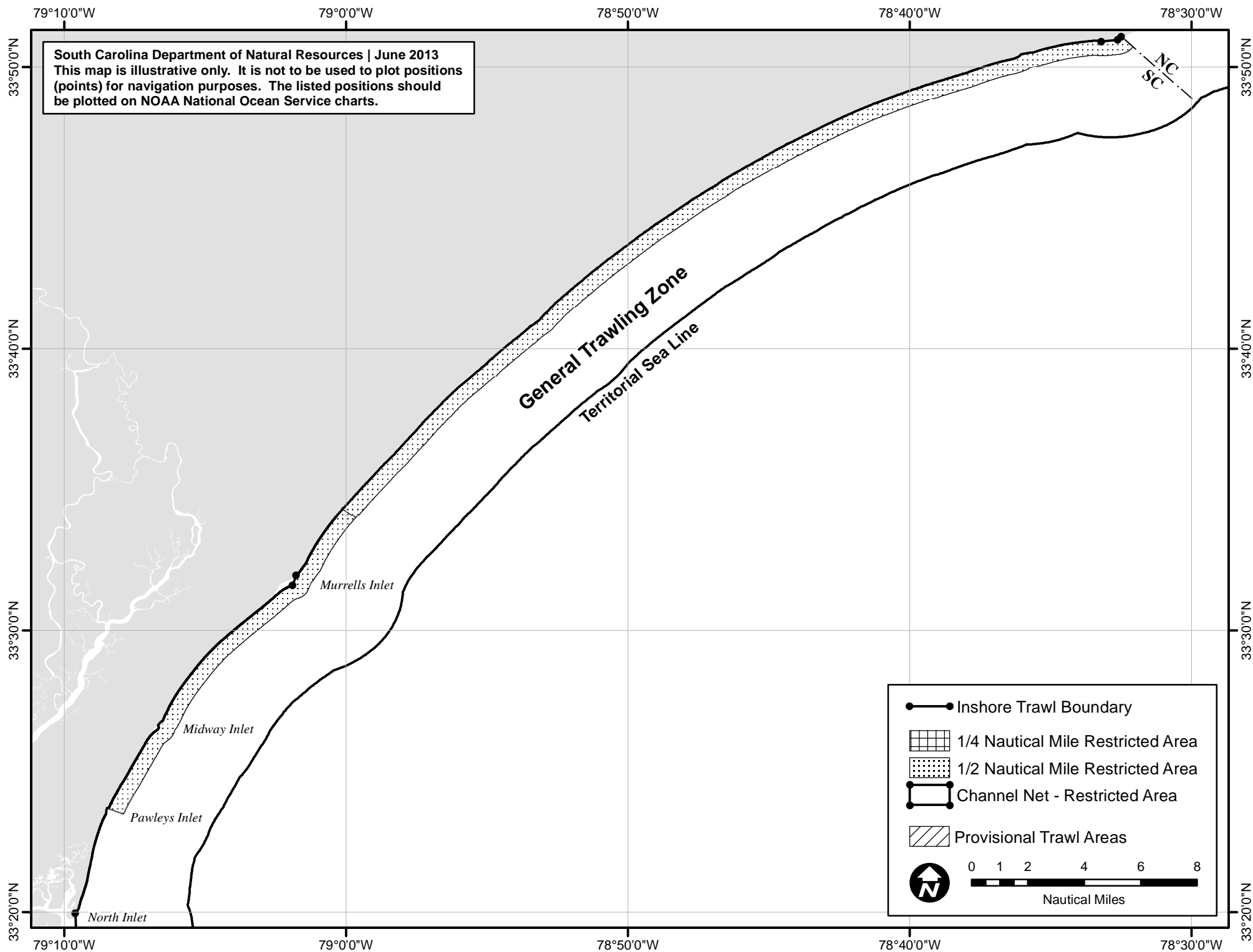
As required by S.C. Code Section 8-29-10, applicants for a commercial license or permit are required to complete an affidavit entitled "Verification of Lawful Presence in the United States" certifying that the applicant is lawfully in the United States. The affidavit MUST be completed, notarized and returned with the application.

If your license/ permit is suspended or revoked, you are entitled to an administrative appeal pursuant to the South Carolina Administrative Procedures Act. The review must be scheduled by the Administrative Law Court in accordance with the division's procedural rules. The scope of the hearing is limited to the issues set out by the Administrative Procedures Act and the division's procedural rules. Appeals must be filed and served within 30 days of suspension/ revocation notice with the Clerk of Court of Administrative Law Court 1205 Pendleton Street Suite 224 Columbia, SC 29201, telephone (803)734-0660.









Summary of Channel Net Laws

2017-2018

This document should be kept on board any vessel having onboard or using channel net as a reference, not to supersede knowledge of the pertinent laws. Complete laws can be found at www.scstatehouse.gov.

License Requirements: [Section 50-5-300, Section 50-5-325, Section 50-5-360]

| | |
|------------------------------|----------|
| Saltwater Commercial License | \$25.00 |
| Channel Net License | \$250.00 |
| Wholesale Dealer License | \$100.00 |

Definitions:

"Channel net" means any conical-shaped, fixed, or stationary net used for taking shrimp which:

- (a) is attached to poles, stakes, anchors, buoys, or other fixed objects; and
- (b) has a mesh size of less than two and one-half inches when the mesh is stretched; and is also known as a set net. **[Section 50-5-15 (9)]**

Channel net licenses; restrictions.

The Department may grant up to sixty channel net licenses per year. Applicants who held channel net licenses in the previous license year and who were not in violation of conservation laws or regulations are given preference for licenses. An applicant must be at least sixteen years old and a resident of South Carolina. Licenses must be applied for in person, and only one license may be issued to a person. **[Section 50-5-335]**

Display of licenses, permits, and vessel's identification decal; transfer of licenses; penalty.

While using a channel net the licensee must display the license or keep it on his person. The license must be produced on demand of Department personnel or other law enforcement personnel.

Licenses are not transferable. When a channel net is operated the licensee must be present.

[Section 50-5-350]

Channel nets; season; observation of use by department; restrictions as to possession; requirements applicable to use of net and possession of license; penalties.

The Department annually may set the channel net season for up to ninety days between September 1 and December 15 of the same year. **[Section 50-5-510 (A)]**

A person licensed to use a channel net must allow designated Department personnel to board or accompany any vessel using a channel net. **[Section 50-5-510 (B)]**

It is unlawful to possess a channel net aboard a boat during the closed season or to possess an unlicensed channel net aboard a boat. **[Section 50-5-510 (C) (D)]**

The width of a channel net at the mouth measured across the float or head line must not exceed eighty feet, and no channel net may be operated from a trawler. **[Section 50-5-510 (E) (1) (2)]**

A channel net must be marked with three international orange buoys, one attached to each staff, constructed of solid foam or polyvinylchloride and not less than forty inches in circumference so as to be clearly visible at all times above the water's surface. One buoy attached to the tail bag must have the name, address, and license number of the owner thereon. A channel net set at night must be marked by a white light clearly visible from a distance of one-quarter of a nautical mile. **[Section 50-5- 510 (E) (3) (4)]**

It is unlawful for a person to set, retrieve, or remove catch from a channel net unless the properly licensed owner of the net is present and has his license in his immediate possession. **[Section 50-5-510 (F)]**

No channel net may be left unattended for more than twenty-four hours. A net not fished for more than twenty-four hours or containing decomposed fish is contraband and will be removed by the Department. **[Section 50-5-510 (G)]**

Channel nets to be used only in designated areas; Turtle Excluder Device requirements; penalties.

Channel nets may be used only in areas designated by the Department. **[Section 50-5-515 (A)]**

A functional soft or hard Turtle Excluder Device (TED) must be correctly installed in any channel net in use, except in the area east of a line in Winyah Bay from the front range on Big Marsh Island, running southeast to day marker No. 18, thence running south southeast to red Nun Buoy No.16. Any channel net used west of this line must use an approved Turtle Excluder Device. Turtle Excluder Devices are not required in channel nets used in North Santee Bay. However, the Department may require TEDs in any open area if a significant threat to sea turtles is determined. **[Section 50-5-515 (B) (1) (4)]**

A soft TED must be constructed and installed so as to conform to the specifications of the National Marine Fisheries Service for soft TED's. **[Section 50-5-515 (B) (2)]**

A hard TED must conform to the following specifications:

- (a) the TED must be a single, rigid, oval deflector grid which is made of steel rod or pipe not less than one-third inch diameter, aluminum rod or pipe not less than one-half inch diameter, or fiberglass rod of comparable strength;
- (b) the TED must be installed so that it is at a thirty to forty-five degree angle from the horizontal when in use;
- (c) the minimum inside diameter may not be less than thirty inches;
- (d) the minimum (slit) escape opening is thirty-five inches;
- (e) the maximum spacing between the bars is four inches; there is no minimum spacing;
- (f) all 'hard' TEDs must be top exiting only;
- (g) an optional, rectangular flap may be installed over the escape opening, provided it is attached only on its forward edge, does not extend more than four inches aft of the escape opening, is no wider than thirty-six inches, and the mesh size is no larger than two inches stretch. **[Section 50-5-515 (B) (3)]**

A sea turtle accidentally taken must be released immediately unless it is apparent that resuscitation is required. If resuscitation is required, the fisherman must retain the turtle until the turtle has recovered sufficiently and is capable of swimming. **[Section 50-5-515 (B) (5)]**

Channel net violations; forfeiture of license; seizure of equipment.

In addition to any other penalty, a person who violates channel net laws forfeits the privilege to hold a channel net license for the next thirty open season days. Any boat, motor, boat trailer, and equipment used in aid of a violation related to channel nets or during the period for which the channel net license has been suspended or revoked must be seized and disposed of as provided in South Carolina law. This seizure requirement does not apply to requirements related to lighting of channel nets, distances from marked navigation channels, and distances between channel nets and other fishing devices. **[Section 50-5-520]**

Unlawful deployment of net; penalty.

It is unlawful to use or deploy a channel net or any part thereof so that it extends more than one-half the width of any water body regardless of the stage of the tide, river stage, or method of net deployment. **[Section 50-5-525 (A)]**

Placement of stationary and channel nets; time for setting and removal of channel nets; penalty.

It is unlawful to set a channel net within two hundred feet of any other channel net. No channel net may be set within four hundred feet of the centerline of a marked navigation channel. Channel nets must be removed not later than the close of the channel net season. Lines, buoys, anchors, and associated equipment may be set no earlier than three days before the opening of the season and must be removed not later than three days following the close of the season. **[Section 50-5-530 (A)]**

Persons who may not obtain or hold shrimp baiting license; penalty.

A person licensed to use a channel net may not obtain or attempt to obtain a shrimp baiting license. No person holding a shrimp baiting license may be licensed to use a channel net. **[Section 50-5-1102]**

* If you no longer need your license please be sure to surrender it to the Commercial License office in Charleston (PO Box 12559 Charleston, SC 29422). If you have questions about surrendering your license please call (843)953-9311.

If you are convicted for an offense, there may be points assessed against your license or your privileges may be suspended if the statute requires it. Upon an accumulation of eighteen (18) or more points, the privileges of that license will be suspended for one year. Points and violations can be found in the SC DNR Rules and Regulations book or SC Code of Laws 50-5-2500(A).

As required by S.C. Code Section 8-29-10, applicants for a commercial license or permit are required to complete an affidavit entitled "Verification of Lawful Presence in the United States" certifying that the applicant is lawfully in the United States. The affidavit MUST be completed, notarized and returned with the application.

If your license/ permit is suspended or revoked, you are entitled to an administrative appeal pursuant to the South Carolina Administrative Procedures Act. The review must be scheduled by the Administrative Law Court in accordance with the division's procedural rules. The scope of the hearing is limited to the issues set out by the Administrative Procedures Act and the division's procedural rules. Appeals must be filed and served within 30 days of suspension/ revocation notice with the Clerk of Court of Administrative Law Court 1205 Pendleton Street Suite 224 Columbia, SC 29201, telephone (803)734-0660.

**Attachment to Summary of Laws for Use of Channel Nets with Legal References
2017-2018**

Designated Channel Areas in North Santee Bay



Channel nets may be used only in areas of North Santee Bay and Winyah Bay designated by the Department of Natural Resources, as depicted on maps provided by the Department. No channel net may be set within four hundred feet of the centerline of a marked navigation channel.



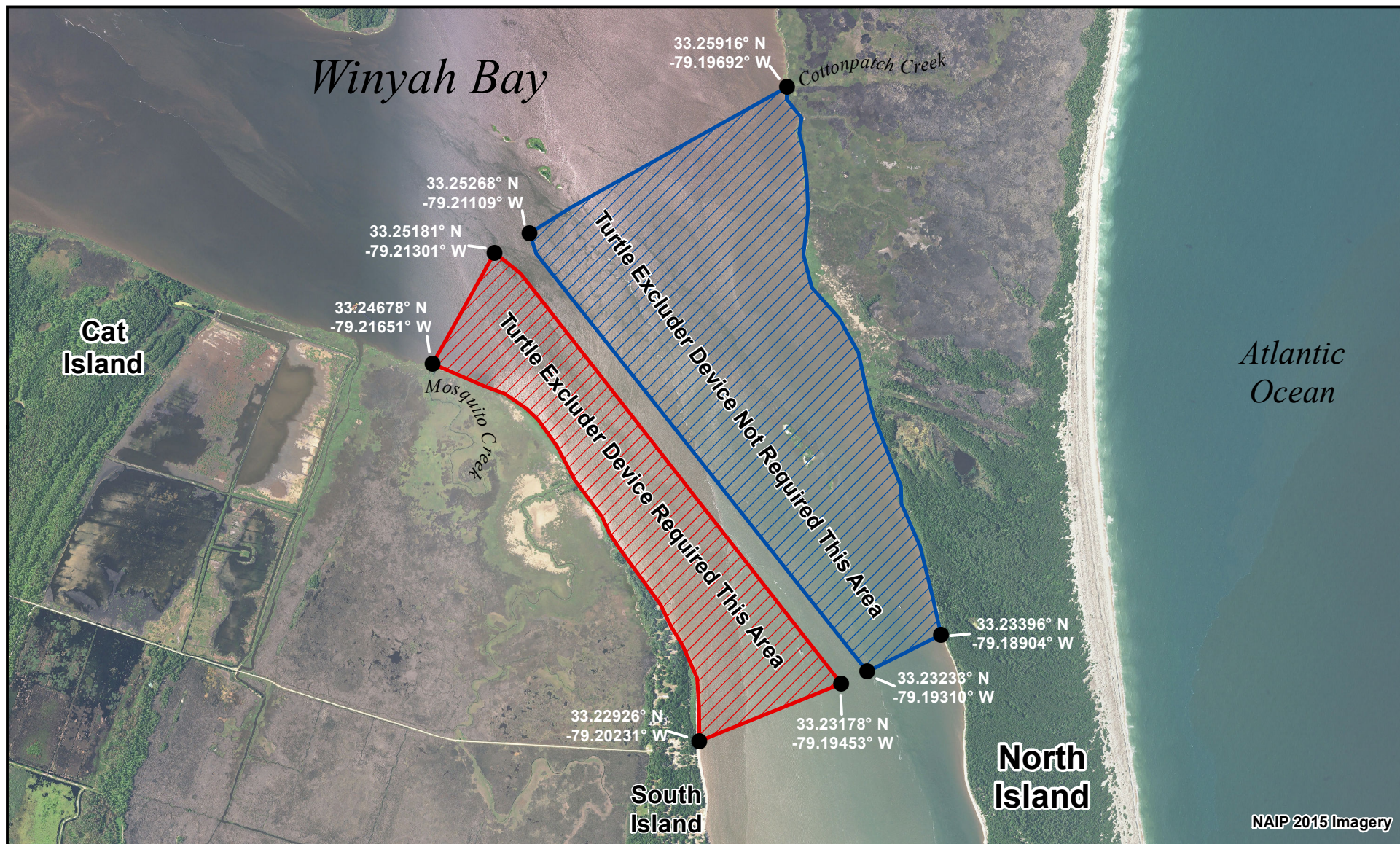
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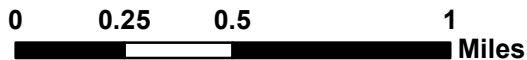
A Turtle Excluder Device (TED) is not required in the designated channel net area of North Santee Bay. However, the Department may require TEDs in any open area if a significant threat to sea turtles is determined.

**Attachment to Summary of Laws for Use of Channel Nets with Legal References
2017-2018**

Designated Channel Areas in Winyah Bay



Channel nets may be used only in areas of North Santee Bay and Winyah Bay designated by the Department of Natural Resources, as depicted on maps provided by the Department. No channel net may be set within four hundred feet of the centerline of a marked navigation channel.



A functional soft or hard Turtle Excluder Device (TED) must be correctly installed in any channel net in use, except in the area east of a line in Winyah Bay from the front range on Big Marsh Island, running southeast to day marker No. 18, thence running south southeast to red Nun Buoy No. 16. Any channel net used west of this line must use an approved Turtle Excluder Device. However, the Department may require TEDs in any open area if a significant threat to sea turtles is determined.

Summary of Shad Fishing Laws

2017-2018

This document should be kept on board all vessels employed for commercial shad fishing as a reference to regulation, not to supersede knowledge of the pertinent laws. Complete laws can be found at www.scstatehouse.gov.

License Requirements: [Section 50-5-300, Section 50-5-310, Section 50-5-325, Section 50-5-1500]

| | <u>Resident</u> | <u>Non-Resident</u> |
|-------------------------------|----------------------------|----------------------------|
| Saltwater Commercial License | \$25.00 | \$300.00 |
| Shad Gill Net License | \$10/100 yards or fraction | \$50/100 yards or fraction |
| Commercial Vessel Decal | No Charge | No Charge |
| Shad Gill Net Permit | No Charge | No Charge |
| Freshwater Commercial License | \$50.00 | \$1000.00 |

Legal definitions important to shad fishermen include:

- “Anadromous” identifies fish which undertake adult migration from brackish or salt waters into freshwaters to spawn, except striped bass or rock fish and hybrid bass, and includes landlocked stocks of those fish. **[Section 50-5-15]**
- “Cast net” means nonbaited circular webbing having a weighted peripheral line which is thrown by hand and retrieved by a central line connected to radiating tuck lines attached to the peripheral line. **[Section 50-5-15]**
- “Catadromous” identifies fish which undertake adult migration from freshwater into brackish or salt water to spawn. **[Section 50-5-15]**
- “Commercial equipment” means:
 - (a) any trawl, haul seine, gill net, channel net, bull rake, seed fork, grabs, escalator, or dredge; and
 - (b) any net, seine, trap, pot, tongs, rake, fork, trotline, or other device or appliance when used for taking or attempting to take fish for a commercial purpose. **[Section 50-5-15]**
- “Commercial purpose” means:
 - (a) being engaged in buying or selling fish;
 - (b) taking or attempting to take fish in order to derive income or other consideration;
 - (c) using commercial equipment; and
 - (d) otherwise being engaged in the fisheries industry with the intent to derive income. **[Section 50-5-15]**
- “Fish” means finfish, shellfish including mollusks, crustaceans, horseshoe crabs, whelks (conchs), turtles, and terrapin or products thereof. **[Section 50-5-15]**
- “Freshwater” all waters of the river and their tributaries, streams and estuaries lying above the dividing line.
- “Gill net” means a net which is designed to hang vertically and capture fish by entanglement usually of the head, gill covers, or preopercles, and does not include gill net for taking shad unless specified. **[Section 50-5-15]**
- “Herring” means any or all life stages of the river herrings being blueback herring (*Alosa aestivalis*) and alewife (*Alosa pseudoharengus*). **[Section 50-5-15]**
- “Recreational fishermen” means persons taking or attempting to take saltwater fish for recreation only, and not for commercial purposes. **[Section 50-5-15]**
- “Salt waters” means all waters of the rivers and their tributaries, streams, and estuaries lying seaward of the dividing line between salt water and freshwater and all impounded waters seaward

of the dividing line between salt water and freshwater which are intermittently filled or drained by the action of the tide. **[Section 50-5-15]**

- “Saltwater gamefish” means any species of saltwater fish designated as a saltwater gamefish in this title. **[Section 50-5-15]**
 - “Shad” means American or white shad (*Alosa sapidissima*) and hickory or skip-jack shad (*Alosa mediocris*). **[Section 50-5-15]**
 - “Striker” means a person, other than a licensed saltwater commercial fisherman, who under immediate supervision assists a licensed commercial saltwater fisherman, but does not use separate commercial equipment on a vessel which is engaged in commercial fishing. **[Section 50-5-15]**
 - “Take” means to harass intentionally, hunt, capture, gather, harvest, remove, catch, wound, or kill or attempt to harass, hunt, capture, gather, harvest, remove, catch, wound, or kill. **[Section 50-5-15]**
 - “Territorial sea” means that portion of the Atlantic Ocean under the jurisdiction of the State of South Carolina as depicted on charts of the National Oceanic and Atmospheric Administration or its successor agency. **[Section 50-5-15]**
 - “Skim-bow net” means a net constructed of webbing not greater than two and one-half inches, stretched mesh, hung within a frame formed by a length of wood or other material looped and attached upon itself end to end forming a loop having no distance across greater than fifteen feet. **[Section 50-5-15]**
 - “Stretch” as used to describe the measure of mesh of nets means that the material is pulled snugly but not to the point of lengthening the single or multi-strand line of the netting. Measurement is made across the widest dimension of the mesh when so pulled. **[Section 50-5-15]**
-
- **The maximum allowance for shad nets is a total of not more than five shad nets in SC waters.**
 - **The number of allowable commercial shad gill nets on the Edisto River is limited to two.**
 - **The number of allowable commercial shad gill nets on the Combahee and Black Rivers is limited to one.**
 - **NO commercial shad fishing is allowed above the HWY 301 bridge on the Savannah River.**

A person taking shad, herring, or eels for commercial purposes:

In the salt waters of this State, must obtain a commercial saltwater fishing license and a commercial saltwater equipment license and related permits; **[Section 50-9-420 (1)]**

In the freshwaters of this State, must obtain a commercial freshwater license and a commercial saltwater equipment license and related permits. **[Section 50-9-420 (2)]**

A person taking shad, herring, or eels for recreation:

In the saltwaters of this State must have a recreational saltwater fishing license; if using a gill net or eel pot, must have an annual recreational saltwater license and a saltwater commercial equipment license and related permits; **[Section 50-9-545 (1)]**

In the freshwaters of this State must have a recreational freshwater fishing license; if using a gill net or eel pot, must have an annual recreational freshwater fishing license and a saltwater commercial equipment license and related permits. **[Section 50-9-545 (2)]**

Seasons:

General: Methods and Equipment: Any lawful method and equipment unless noted by the Area; Size and Take Limits: No limits unless noted by the area.

Winyah Bay- includes Black River, Great Pee Dee River, Little Pee Dee River, Lynches River, Waccamaw River from Big Bull Creek to Winyah Bay, Winyah Bay, and all tributaries and distributaries:

Pee Dee River and tributaries above U.S. HWY 701 and Black River:

Season: January 15 – April 15

Times: Monday Noon – Saturday Noon

Methods/ Equipment: Any lawful method and equipment

Remainder of Winyah Bay system including all of Big Bull Creek and Waccamaw River with tributaries below the entrance of Big Bull Creek:

Season: January 15 – April 1

Times: Monday Noon – Saturday Noon, local time

Methods: No restrictions, except drift nets in Waccamaw River between Butler Island and US17 restricted to 900 feet.

Santee River- Santee River below Wilson Dam including the Rediversion Canal below St. Stephen Dam, North Santee River and Bay, South Santee River, and all tributaries and distributaries:

Rediversion Canal from St. Stephen Dam seaward to the seaward terminus of the northern dike of the Rediversion Canal:

Season: No open season

Rediversion Canal from the seaward terminus of the northern dike of the Rediversion Canal seaward to Santee River:

Season: January 15 – April 15

Times: 7am – 7pm, Tuesday and Thursday

Wilson Dam to US Hwy 52 bridge:

Season: No open season

US Hwy 52 bridge seaward to SC Hwy 41 bridge:

Season: January 15 – April 15

Times: 7am – 7pm, Tuesday and Thursday

SC Hwy 41 bridge seaward:

Season: January 15 – March 15

Times: Monday Noon- Saturday Noon

Charleston Harbor-includes Wando River and Cooper River seaward to US Hwy 17 bridges, Charleston Harbor, and Ashley River, and all tributaries and distributaries.

Tailrace Canal from Wadboo Creek to Jeffries Power Plant:

Season: No open season

Cooper River from Wadboo Creek to US Hwy 17:

Season: No open season

Ashley River to confluence with Popper Dam Creek:

Season: No open season

Remainder of Charleston Harbor System (includes Wando River):

Season: No open season

Edisto River- includes Edisto River Estuary, Edisto River, North and South Branches (Forks) of the Edisto River, and all tributaries and distributaries.

Above US Hwy 15 bridge:

Season: February 1 – March 30

Times: Tuesday Noon – Saturday Noon

Seaward of US Hwy 15 bridge and above US Hwy 17 bridge:

Season: February 1 – March 30

Times: Tuesday Noon – Saturday Noon

Seaward US Hwy 17 bridge:

Season: February 1 – March 30

Times: Wednesday Noon – Friday Midnight

Ashepoo River- Ashepoo River and all tributaries and distributaries:

Season: No open season

Combahee River- Combahee River and all tributaries and distributaries.

All tributaries except main stems of Salkehatchie Rivers:

Season: No open season

Remainder of Combahee River, including main stems of Salkehatchie Rivers:

Season: February 1 – March 15

Times: Anchored nets: Tuesday Noon – Friday Noon

Drift nets: Monday Noon – Saturday Noon

Coosawhatchie River – Coosawhatchie River and all tributaries and distributaries:

Season: No open season

Savannah River - South Carolina portions of Savannah River and all tributaries and distributaries.

Main River below US HWY 301 and above US Interstate HWY 95:

Season: January 1 – April 15

Times: Wednesday 7am – Saturday 7pm

Tributaries and distributaries above US Interstate 95 bridge:

Season: No open season

Seaward of US Interstate 95 Bridge:

Season: January 1 – March 31 except no anchored nets allowed in Savannah's Little Back River, Back River, and the north channel of Savannah River downstream from New Savannah Cut.

Times: Tuesday 7am – Friday 7 pm

Atlantic Ocean – Atlantic Ocean territorial sea:

Season: No open season

Lake Moultrie, Lake Marion, Diversion Canal, & Intake Canal of Rediversion Canal:

Season: No closed season

Times: No restrictions

Methods: Cast nets and lift nets only

Take limits: 250 pounds of herring and shad combined per boat per day

Licenses and permits requirements; penalty for unlawful taking.

The department may restrict the number of nets for taking shad in any body of water where the numbers of nets or fishermen must be limited due to statutory limitations on placement of nets, to prevent congestion of nets or watercraft, or for conservation purposes. The department may grant permits to licensed commercial saltwater fishermen for this purpose. Permits may be limited in number and may be conditioned so as to designate areas, size and take limits, hours, type and amount of equipment, and catch reporting requirements. **[Section 50-5-1500 (B)]**

Special provisions as to shad and herring.

It is unlawful to take shad by hook and line or by skim-bow net while operating or possessing any commercial fishing equipment for taking shad or herring. **[Section 50-5-1510 (A)(1)]**

It is unlawful for a recreational fisherman to take shad with any other fishing equipment except cast nets, skim-bow nets, and hook and line which includes rod and reel, provided that a properly licensed gill net may be used to take shad for recreational purposes. Except from sanctuaries designated by the department, a recreational fisherman may take shad:

- [a] by hook and line and cast net at any time of the year,
 - [b] by skim-bow net from February 1 – April 30; and
 - [c] by licensed gill net during those times provided in this article for commercial fishing.
- [Section 50-5-1510 (A)(2)]**

It is unlawful to possess saltwater or freshwater gamefish or fishing tackle capable of taking saltwater or freshwater gamefish while using shad gill nets. **[Section 50-5-1510 (A)(3)]**

Nongame fish taken in lawfully fished shad nets or skim-bow nets may be kept by the fisherman. Any Atlantic sturgeon and any gamefish must be returned immediately to the water. **[Section 50-5-1510 (A)(4)]**

It is unlawful to set a net in a fixed position in the navigation channel of the Atlantic Intracoastal Waterway. **[Section 50-5-1510 (A)(5)]**

A gill net used for taking or attempting to take shad in the inshore salt waters of this State must have a stretched mesh size of no smaller than five and one-half inches and a length not exceeding nine

hundred feet. Gill nets for taking shad in the inshore salt waters of this State may be drift fished or set in accordance with this chapter. Only one shad gill net may be drift fished by occupants of a boat, and the drift net must be attended at all times when deployed. Additional boats in tow may not be used to increase the number of authorized nets. **[Section 50-5-1510 (A)(9)]**

Except as otherwise provided by law or by regulation promulgated under this article, any gill net used for taking or attempting to take shad in the freshwaters of this State must have a stretched mesh size of no smaller than five and one-half inches and be no longer than six hundred feet. Gill nets for taking shad in the freshwaters of this State may be freely drift fished or set in accordance with the provisions of this chapter. Only one shad gill net may be drift fished by occupants of a boat, and the drift net must be attended at all times when deployed. Additional boats in tow may not be used to increase the number of authorized nets. **[Section 50-5-1510 (A)(10)]**

A gill net used for taking or attempting to take shad in the salt waters of this State must have at least one end buoy attached which has the name and license number of the owner clearly marked on it. A buoy not less than twenty inches in diameter must be attached to each end of the net, and in any net more than three hundred feet in length a buoy not less than ten inches must be attached every three hundred feet on the float line. All buoys must be international orange in color and must float so as to be clearly visible at all times. **[Section 50-5-1510 (A)(13)]**

A gill net used for taking or attempting to take shad in the freshwaters of this State must be marked with buoys, international orange in color and not less than six inches in diameter, which float in a manner to be clearly visible at all times. One buoy must be attached to the float line of the net every three hundred feet, and a buoy must be attached to each end of each net. At least one end buoy attached to the net must have the name and license number of the owner clearly marked on it. **[Section 50-5-1510 (A)(14)]**

Skim-bow nets must be used or fished only from high land or from a pier, dock, or other structure permanently affixed to high land without the aid of any power assisted device. Only shad, herring, and other nongame fish may be retained. No such fish may be sold. **[Section 50-5-1510 (A)(15)]**

Shad hook and line catch limits.

A person taking shad by cast net, skim-bow net, or by hook and line may possess no more than a total of ten American and hickory shad per one day except in the Santee River where the limit is twenty per day. **[Section 50-5-1515 (B)]**

No shad taken by cast net, skim-bow net, or by hook and line may be sold, offered for sale, or purchased. In freshwaters, a person must hold a freshwater fishing license. **[Section 50-5-1515 (C)]**

Unlawful taking of Atlantic sturgeon; penalties.

Any sturgeon taken must be released immediately back into the waters where taken. **[Section 50-5-1525 (A)]**

Taking of shortnose sturgeon prohibited; penalty.

It is unlawful for anyone to take, possess, buy, sell, or ship shortnose sturgeon (*Acipenser brevirostrum*) or any part or product thereof. Any shortnose sturgeon taken incidentally to fishing activity must be returned unharmed immediately to the water from where taken. **[Section 50-5-1535]**

Net placement.

No shad net, including its cables, lines, or attached devices, either set or drift fished may be longer than one-half the normal width of the water body at the place where used, regardless of the stage of the tide, river stage, water level, or method of net deployment. **[Section 50-5-1540 (A)]**

[1] No net may be set within six hundred feet of any gill net previously set.

[2] No net may be drifted within six hundred feet of another drifting net.

[3] No net may be placed or set within seventy-five feet of the confluence of any tributary. **[Section 50-5-1540 (B)]**

A lawfully drifted gill net may pass within six hundred feet of a lawfully anchored gill net. **[Section 50-5-1540 (C)]**

Removal of nets during off times and periods; penalties.

During times and periods when taking of shad by net is not allowed, any net which could be used for taking herring must be removed from the waters. **[Section 50-5-1545 (A)]**

Any non-mesh, net-related fishing apparatus, including leads, cables, anchors, signs, and buoys must be removed from the waters and banks of the streams or water courses no later than three days after the close of the shad season. Any net or part thereof found in violation is contraband and must be seized and disposed of as provided by law. **[Section 50-5-1545 (D)]**

Anchors with attached line and buoys may remain in lawful waters during weekly closed periods of the open season. **[Section 50-5-1545 (E)]**

Seizure of net or seine containing decomposed fish.

Any net or seine set in the waters of this State which contains decomposed fish is contraband and must be seized and disposed of as provided in this chapter. **[Section 50-5-1550]**

A commercial fisherman who sells shad, herring, or eels must sell to either a licensed wholesale seafood dealer or a licensed bait dealer or must be licensed as a wholesale seafood dealer or bait dealer. **[Section 50-5-1557]**

If you are convicted for an offense, there may be points assessed against your license or your privileges may be suspended if the statute requires it. Upon an accumulation of eighteen (18) or more points, the privileges of that license will be suspended for one year. Points and violations can be found in the SC DNR Rules and Regulations book or SC Code of Laws 50-5-2500(A).

As required by S.C. Code Section 8-29-10, applicants for a commercial license or permit are required to complete an affidavit entitled "Verification of Lawful Presence in the United States" certifying that the applicant is lawfully in the United States. The affidavit MUST be completed, notarized and returned with the application. If you are a US citizen, the properly filled out affidavit is all that is required. If you are not a US citizen, you will be required to provide documentation, which is subject to verification with the Department of Homeland Security. Specific types of documentation that may be provided can be found on Page 2 of the form, under "Accepted Immigration Documents." Your application for a commercial license or permit will be returned if the affidavit and documentation is not received and notarized. If your license/permit is in a company name the owner/responsible party for the company must complete the affidavit and indicate the business information on the bottom right of the form. The affidavit only needs to be completed once if you are a U.S. Citizen 18 years of age or older, all others will be required to resubmit the affidavit each time an individual applies for a commercial license or permit from the Department.

If your license/ permit is suspended or revoked, you are entitled to an administrative appeal pursuant to the South Carolina Administrative Procedures Act. The review must be scheduled by the Administrative Law Court in accordance with the division's procedural rules. The scope of the hearing is limited to the issues set out by the Administrative Procedures Act and the division's procedural rules. Appeals must be filed and served within 30 days of suspension/ revocation notice with the Clerk of Court of Administrative Law Court 1205 Pendleton Street Suite 224 Columbia, SC 29201, telephone (803)734-0660.

Information for the Shad Fishery

Just a reminder, if you plan to catch shad with commercial gear (shad gill net) you **MUST:**

- Buy a saltwater fishing license and/or freshwater fishing license (depending on where you are fishing). If you are recreationally fishing (NOT selling your catch) then you need your recreational fishing license.
- Buy license for type of gear type
- Obtain a permit from the OFM Permitting Office
- Sell to a **licensed** dealer
- **Complete** and return **Mandatory Shad Harvest Report Forms** to SCDNR.

If you plan to catch shad with commercial gear and **sell** your catch as a dealer (sell it yourself) you **MUST:**

- Buy a saltwater commercial license and/or freshwater commercial license (depending on where you are fishing)
- Buy license for gear type
- Obtain a permit from the OFM Permitting Office
- Buy a wholesale dealer license or bait dealer license
- **Complete** and return **Mandatory Shad Harvest and Dealer Report Forms** to SCDNR.

Fishermen landing their catch and who **do not** have a commercial license are prohibited from selling or transferring any seafood product for personal gain to the public or to any business that **does not** have a primary wholesale dealers license or bait dealers license.

Please fill out all blanks on Mandatory Shad Harvest Forms and return them by the 10th of the following month. It is important for the management of the species to know:

- **What river you are fishing**
- **What type of gear you are using (Drift of Set nets, length of nets, how many)**
- **How long your gear is in the water (How long you fish per trip)**
- **Number and Sex of Shad caught and incidental catches (sturgeons, or hickory Shad)**

Summary of Seine and Gill Net Laws (Saltwater)

2017-2018

This document should be kept on board all vessels using seines or gill nets as a legal reference, not to supersede knowledge of the pertinent laws. Complete laws can be found at www.scstatehouse.gov.

*****This summary does not include shad and herring net requirements*****

License Requirements: [Section 50-5-300, Section 50-5-310, Section 50-5-325 (A)(4)]

| | <u>Resident</u> | <u>Non-Resident</u> |
|-------------------------|---|---|
| Commercial Saltwater | \$25.00 | \$300.00 |
| Gill Net, Haul Seine | \$10.00/100 feet or fraction thereof | \$50.00/100 feet or fraction thereof |
| Commercial Shrimp Seine | \$10.00 | \$50.00 |
| Commercial Vessel Decal | No Charge | No Charge |

Definitions:

- A gill net is a net designed to hang vertically and capture fish by entanglement usually of the head, gill covers, or preopercles, and does not include a gill net for taking shad unless specified in the law. **[Section 50-5-15 (28)]**
- A shrimp seine is an unanchored net having a stretched mesh of not less than one inch but no greater than one and three-quarters inches, the webbing of which does not exceed forty feet in length or six feet in depth, which is continually moved through the water by human and not mechanical power, and which has no tail bag or cod. **[Section 50-5-15 (52)]**
- A haul seine is a net of twine no smaller than #9 with a stretched mesh size no smaller than two inches and no larger than two and seven-eighths inches, one end of which is anchored to the shore and the other end is moved through the water by a vessel to take fish by encircling the fish and then being mechanically drawn to the shore. **[Section 50-5-15 (29)]**

Commercial equipment licenses and fees; specification of vessel on which used; tagging of equipment; penalties.

To use a gill net or haul seine the cost is ten dollars per one hundred net feet or a fraction thereof for residents and fifty dollars per one hundred net feet or a fraction thereof for nonresidents. **[Section 50-5-325 (A)(4)]**

Recreational fishing exceptions; minnow traps for commercial purposes; retrieving unattended recreational equipment.

A person may use a shrimp seine in the salt waters for recreational purposes without being commercially licensed. **[Section 50-5-330 (A)]** However, if using a shrimp seine for recreational purposes both parties must have a saltwater recreational fishing license. **[Section 50-9-560 (A)]**

A person may use a lawful gill net non-commercially without a commercial saltwater fishing license; however, an equipment license and a saltwater recreational fishing license are required. **[Section 50-5-330 (B)] [Section 50-9-560 (A)]**

Net use requirements and restrictions; mariculture impoundment net use permit.

Haul seines must be fully returned to the beach within one and one-half hours of being set. **[Section 50-5-505 (F)]**

INSHORE WATERS

Use of nets:

Gill nets not more than one hundred yards in length with a mesh size no smaller than three inches stretched mesh and up to five and one half inches stretched mesh may be used in designated areas (Little River, map designates areas) of the inshore saltwaters of the State. The legal gill net area designated by the Department is in Little River Inlet seaward of the Atlantic Intracoastal Waterway, excluding all tributary creeks. It is depicted on the attached map. Shrimp seines may be used in inshore saltwaters of the State. **[Section 50-5-500 (A)]**

ATLANTIC OCEAN WATERS

Use of Nets:

Gill nets not more than one hundred feet in length with a mesh size no smaller than three inches stretched mesh and up to, but not including, four and one half inches stretched mesh may be used in the Atlantic Ocean seaward of the beaches and the COLREGS demarcation lines depicted on National Ocean Survey charts. Shrimp seines and haul seines may be used in the Atlantic Ocean seaward of the beaches and the COLREGS demarcation lines depicted on National Ocean Survey charts. **[Section 50-5-500(B)]**

Recreational fishing exceptions; minnow traps for commercial purposes; retrieving unattended recreational equipment.

No person may retrieve any unattended recreational equipment unless the owner is present, or with the written permission of the owner but no fish may be retained. **[Section 50-5-330 (D)]**

Net use requirements and restrictions; mariculture impoundment net use permit.

A gill net used in saltwater must have at least one end buoy, international orange in color, which shows the name and license number of the owner. The operator of a gill net must be within five hundred feet of the net and have visual contact with the net at all times when deployed. **[Section 50-5-505 (A)]**

A haul seine greater than one hundred feet in length must be marked with buoys, international orange in color, not less than twenty inches in diameter, which float in a manner to be clearly visible at all times. **[Section 50-5-505 (C)]**

No haul seine may be set within five hundred yards on any public fishing pier. **[Section 50-5-505 (D)]**

A buoy must be attached to the float line of any haul seine every three hundred feet, and a buoy must be attached to each end of any haul seine. **[Section 50-5-505 (E)]**

No haul seine may be set, hauled, or both, for a period exceeding one and one-half hours without being fully returned to the beach. **[Section 50-5-505 (F)]**

Unlawful deployment of net; penalty.

It is unlawful to use or deploy any net or similar device or any part thereof including line and attached devices so that any part thereof extends more than one-half the width of any saltwater creek, stream, channel, slough, or other salt water regardless of the stage of the tide, river stage, or method of net deployment. [Section 50-5-525 (A)]

Placement of stationary and channel nets; time for setting and removal of channel nets; penalty.

It is unlawful to set any stationary nets, within six hundred feet of any other net or device for taking fish except traps. [Section 50-5-530 (A)]

Placement of fishing equipment near public fishing pier or man-made jetty equipped with fishing walkway.

It is unlawful to set any net within six hundred feet of a public fishing pier or man-made jetty equipped with a fishing walkway in the waters of the Atlantic Ocean. This applies only to a fishing pier open to the public or man-made jetty equipped with a fishing walkway open to the public. [Section 50-5-535]

Use of seine or gill net in state park; shrimp net exception.

It is unlawful to use a seine or gill net in a lagoon, impoundment, or lake within the boundaries of a state park, except that lawful shrimp seines and cast nets for taking shrimp are allowed. [Section 50-5-540]

Taking of saltwater game fish; importation by wholesale or retail seafood dealer of red drum or spotted seatrout.

It is unlawful for a person to have in possession a saltwater gamefish while fishing or transporting a seine or a gill net or other commercial fishing equipment. A saltwater gamefish caught in the net or commercial fishing equipment must be returned to the water immediately. [Section 50-5-1700 (C)]

Catch limits.

Saltwater game fish are spotted seatrout (winter trout), red drum (channel bass), tarpon, and any species of billfish of the Family Istiophoridae are saltwater gamefish. [Section 50-5-1705 (A)]

Shark catch limits; boat or vessel permit to take sharks for commercial purposes; equipment requirements and prohibitions.

The use of gill nets to harvest sharks is prohibited in state waters at all times, and all sharks taken in a gill net must be released immediately. [Section 50-5-2725 (B)]

*****This summary does not include shad and herring net requirements.*****

Due to the Atlantic Large Whale Take Reduction Plan new regulations apply to all gillnets set in the ocean (outside of the col regs line). The new regulations are required in waters off of the SC coast (state and federal waters) from September 1 - May 31. Additional restrictions apply from November 15 – April 15 for areas designated as part of the Southeast U.S. Restricted Area North (includes waters within 35nm of the SC shoreline; Little River Inlet, SC is not included in this area). To see a detailed list of the regulations or to get additional information visit

<http://www.nero.noaa.gov/whaletrp/>.

September 1 – May 31 Restrictions

• Includes all U.S. waters bounded on the north from 72°30' W. long. south to 36°33.03' N. lat., and east to the eastern edge of the EEZ, and bounded on the south by 32°00' N. lat, and east to the eastern edge of the EEZ.

For All Gillnet Gear:

- Gillnet surface buoys to be marked to identify the vessel or fishery with one of the following: the owner's motorboat registration number and/or U.S. vessel documentation number; the federal commercial fishing permit number; or whatever positive identification marking is required by the vessel's home-port state.
- When marking is not already required by state or federal regulations, the letters and numbers to mark gear must be at least 1 inch (2.5cm) in height, block letters or Arabic numbers, in a color that contrasts with the color of the buoy.
- Buoy lines to be marked with one 4-inch (10.2 cm), BLUE, mark midway along the buoy line.

For Anchored Gillnets:

- Compliance with the **Universal Requirements:**
- No buoy line floating at the surface.
- No wet storage of gear (all gear must be hauled out of the water at least once every 30 days).
- Fishermen are encouraged, but not required, to maintain knot-free buoy lines.
- All buoys, flotation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength no greater than 1,100 lbs;
- All gillnet panels are required to have weak links with the breaking strength of no greater than 1,100 lbs in the center of the floatline of each net panel up to and including 50 fathoms (100yds; 300ft), or at least every 25 fathoms (50yds; 150ft) for longer panels (page 46).
- Gillnets that do not return to port with the vessel must be configured with five or more weak links per net panel, depending on panel length, with a breaking strength no greater than 1,100 lb, and be anchored with the holding power of at least a 22-lb Danforth-style anchor at each end of the net string (must be a burying anchor; no dead weights). The weak link placement must meet one of two configuration options (visit <http://www.nero.noaa.gov/whaletrp/> for details). The same configuration will be required for all gillnet net panels in a string;*
- All groundlines must be made of sinking line.

For Drift Gillnets:

- Fishing with driftnet gear at **night** (i.e., anytime between one-half hour before sunset and one-half hour after sunrise) is **prohibited** unless that gear is tended (i.e., attached to the vessel);
- All driftnet gear must be removed from the water and stowed on board before a vessel returns to port.

*Weak links must be chosen from the list of NMFS approved gear, which includes: off the shelf weak links, rope of appropriate breaking strength, hog rings, and other materials or devices approved in writing. Weak links must be designed in such a way that the bitter end of the buoy line is clean and free of any knots when the weak link breaks.

Southeast U.S. Restricted Area North: November 15 – April 15 Restrictions

- Includes waters north of 29°00' N. (near Ponce de Leon Inlet, FL) to 32°00' N. (near the GA/SC border) from the shoreline eastward to 80°00' W, and off South Carolina, within 35 nautical miles of the shoreline. Little River Inlet, SC, is not located in the Southeast U.S. Restricted Area North.

For All Gillnet Gear:

- Fishing with or possessing gillnets during the restricted period is prohibited.
 - Exemption for vessels in transit with gillnets aboard if:
 - All nets are covered with canvas or other similar material and lashed or otherwise securely fastened to the deck, rail, or drum; and
 - All buoys, high flyers, and anchors are disconnected from all gillnets.
- **No fish may be possessed aboard such a vessel in transit.**

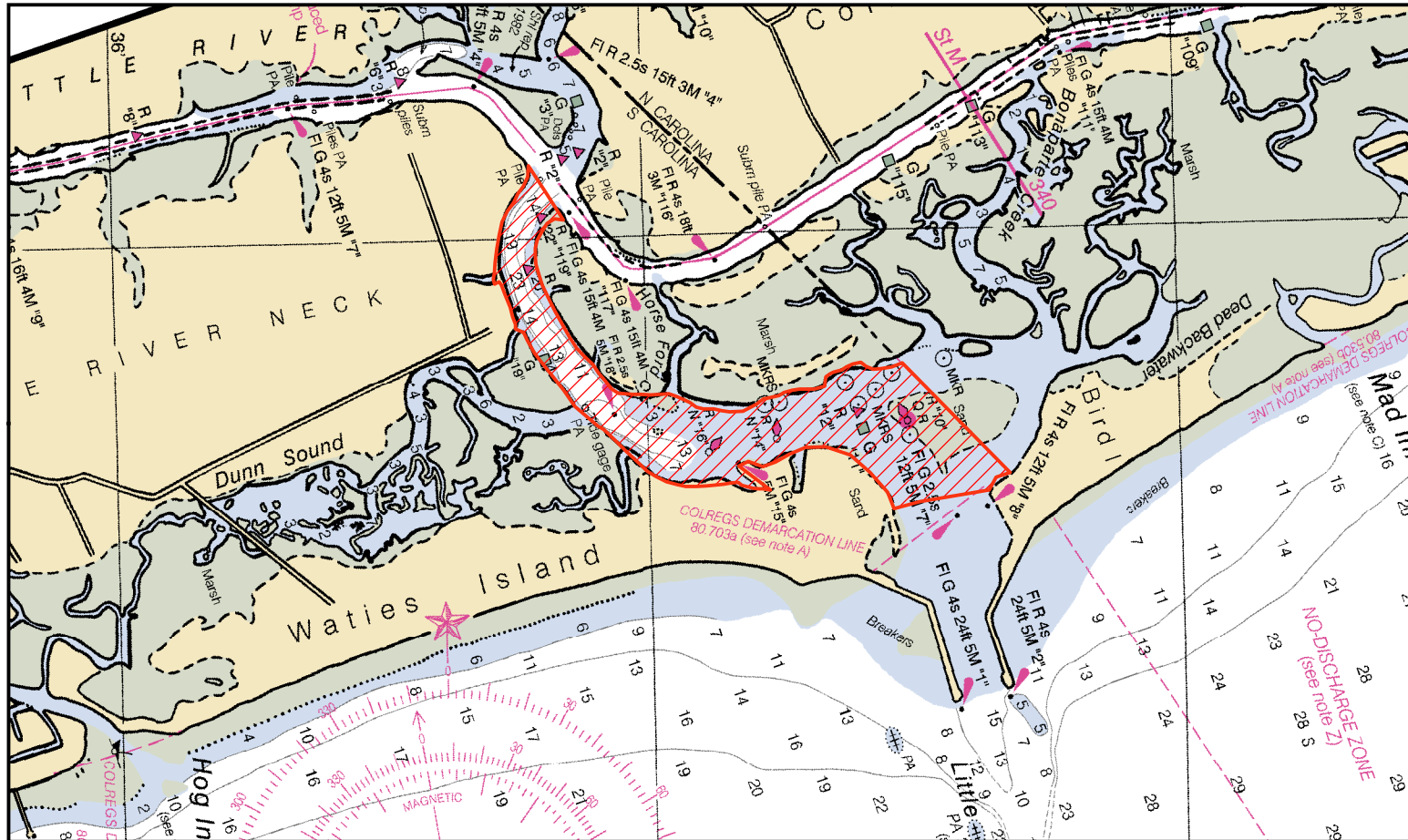
* If you no longer need your license please be sure to surrender it to the Commercial License office in Charleston (PO Box 12559 Charleston, SC 29422). If you have questions about surrendering your license please call (843)953-9311.

If you are convicted for an offense, there may be points assessed against your license or your privileges may be suspended if the statute requires it. Upon an accumulation of eighteen (18) or more points, the privileges of that license will be suspended for one year. Points and violations can be found in the SC DNR Rules and Regulations book or SC Code of Laws 50-5-2500(A).

As required by S.C. Code Section 8-29-10, applicants for a commercial license or permit are required to complete an affidavit entitled "Verification of Lawful Presence in the United States" certifying that the applicant is lawfully in the United States. The affidavit **MUST** be completed, notarized and returned with the application. If you are a US citizen, the properly filled out affidavit is all that is required. If you are not a US citizen, you will be required to provide documentation, which is subject to verification with the Department of Homeland Security. Specific types of documentation that may be provided can be found on Page 2 of the form, under "Accepted Immigration Documents." Your application for a commercial license or permit will be returned if the affidavit and documentation is not received and notarized. If your license/permit is in a company name the owner/responsible party for the company must complete the affidavit and indicate the business information on the bottom right of the form. The affidavit only needs to be completed once if you are a U.S. Citizen 18 years of age or older, all others will be required to resubmit the affidavit each time an individual applies for a commercial license or permit from the Department.

If your license/ permit is suspended or revoked, you are entitled to an administrative appeal pursuant to the South Carolina Administrative Procedures Act. The review must be scheduled by the Administrative Law Court in accordance with the division's procedural rules. The scope of the hearing is limited to the issues set out by the Administrative Procedures Act and the division's procedural rules. Appeals must be filed and served within 30 days of suspension/ revocation notice with the Clerk of Court of Administrative Law Court 1205 Pendleton Street Suite 224 Columbia, SC 29201, telephone (803)734-0660.

Attachment To Summary of Regulation for Use of Series and Gill Nets in Saltwaters of South Carolina with Legal References

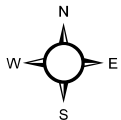


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Miles

 Lawful Gill Net Area

Lawful Inshore Gill Net Area

Gill nets not more than one hundred yards in length with a mesh size no smaller than three inches stretched mesh and up to five and one half inches stretched mesh may be used in the portion of Little River and Little River Inlet indicated hereon. Designated under authority of Section 50-5-500(A)(10). S.C. Code of Laws. Other restrictions apply and shad and herring nets. See title 50, Chapter 5, Article 15 of SC the Code of Laws.



Map Prepared by E. Koch
October 2013
SCDNR, MRRI GIS Lab



Summary of Commercial Shellfish Laws

2017-2018

This document should be kept on board all vessels engaged in commercial shellfishing as a reference to regulation, not to supersede knowledge of the pertinent laws. Complete laws can be found at www.scstatehouse.gov.

License Requirements: [Section 50-5-300, Section 50-5-310, Section 50-5-320, Section 50-5-325, Section 50-5-360, Section 50-5-965]

| | <u>Resident</u> | <u>Non-Resident</u> |
|--|-----------------|---------------------|
| Saltwater Commercial License | \$25.00 | \$300.00 |
| State Shellfish Grounds License | \$75.00 | \$375.00 |
| Hand Held Equipment License | No Charge | No Charge |
| Drag Dredge License | \$75.00 | \$375.00 |
| Other Mechanical Equipment License | \$125.00 | \$625.00 |
| Commercial Vessel Decal | No Charge | No Charge |
| Culture or State Ground Harvest Permit/Decal | No Charge | No Charge |
| State Ground Harvest Maps | No Charge | No Charge |

Legal definitions important to shellfishermen include:

- “Bottoms” are all of the lands within the State covered at mean high water from the freshwater/saltwater dividing line seaward to the seaward most limits of the territorial sea.
[Section 50-5-15]
- “Bull rake” means a rake having a basket and a width greater than twelve inches. **[Section 50-5-15]**
- “Bushel” means one US bushel. **[Section 50-5-15]**
- “Commercial equipment” means:
 - (a) Any trawl, haul seine, gill net, channel net, bull rake, seed fork, grabs, escalator, or dredge; and
 - (b) Any net, seine, trap, pot, tongs, rake, fork, trotline, or other device or appliance when used for taking or attempting to take fish for a commercial purpose. **[Section 50-5-15]**
- “Commercial purpose” means:
 - (a) Being engaged in buying or selling fish;
 - (b) Taking or attempting to take fish in order to derive income or other consideration;
 - (c) Using commercial equipment; and
 - (d) Otherwise being engaged in the fisheries industry with the intent to derive income.
[Section 50-5-15]
- “Culch” means oyster shell or other substrate, which is purposely placed for propagation of oysters through the attachment of oyster larvae. **[Section 50-5-15]**
- “Dredge” means equipment used for harvesting bottom dwelling aquatic life, which is not a trawl and is powered by mechanical means, and is designed to contact the bottom when in operation.
[Section 50-5-15]
- “Fish” means finfish, shellfish including mollusks, scallops, crustaceans, horseshoe crabs, whelks (conchs), turtles, and terrapin or products thereof. **[Section 50-5-15]**

- “Mariculture” means controlled cultivation in confinement of marine and estuarine organisms in salt waters. **[Section 50-5-15]**
- “Mollusk” or “molluscan”, means any member of the phylum Mollusca. **[Section 50-5-15]**
- “Recreational fishermen” means persons taking or attempting to take saltwater fish for recreation only, and not for commercial purposes. **[Section 50-5-15]**
- “Seed fork” means a fork manufactured having seven or more straight or slightly curved tines or having any tine greater than eight inches in length. All tines must be at least one inch apart unless utilized for mariculture harvest. **[Section 50-5-15]**
- “Shellfish” means oysters, clams, mussels, scallops, and all nonmotile molluscan fish having shells. **[Section 50-5-15]**
- “Shellfish seed” means any shellfish that does not exceed one inch in height or maximum dimension. **[Section 50-5-15]**
- “Striker” means a person, other than a licensed saltwater commercial fisherman, who under immediate supervision assists a licensed commercial saltwater fisherman, but does not use separate commercial equipment on a vessel, which is engaged in commercial fishing. **[Section 50-5-15]**

Notice of opening or closing of commercial fishing season; health and environmental protection.

In opening or closing the commercial shellfish fishing season, except under its emergency closure authority, the Department shall give at least twenty-four hours notice of any action and shall use all reasonable means to inform the public. **[Section 50-5-35 (A)]**

Responsibility for determining location of commercial fishing vessel.

The operator of any vessel engaged in commercial fishing is responsible for accurately determining the location of his vessel in order that he not violate any closed or restricted area. **[Section 50-5-115]**

Boarding of vessel by law enforcement officers; penalty for failure to allow boarding and to cooperate.

The operator and crew of any watercraft operating in the state waters are required to heave to when signaled or hailed, and allow boarding, and cooperate with Department personnel, law enforcement officers, or U.S. Coast Guard personnel. **[Section 50-5-120]**

Commercial equipment licenses and fees; specification of vessel on which used; tagging of equipment; penalties.

Other than vessels solely transiting the State in interstate commerce, any vessel on or from which commercial shellfish harvest equipment is used or transported must display a current identification decal provided by the Department. **[Section 50-5-325 (F)]**

Commercial license a condition of permit; exceptions; revocation.

In order to obtain any commercial shellfish harvest permit, a person must be a licensed commercial saltwater fisherman and hold all other required licenses. **[Section 50-5-345 (A)]**

Any permit granted may be revoked by the Department for a violation of a condition of the permit or of a related conservation law. **[Section 50-5-345 (B)]**

Display of licenses, permits, and vessel's identification decal; transfer of licenses; penalty.

While exercising the privilege of a license or permit, the licensee, operator, or permittee must display or keep on his person the license or permit, and the license or permit must be produced on demand of Department personnel or other law enforcement personnel. **[Section 50-3-350 (A)]**

The operator and the owner of a vessel used for commercial purposes must have aboard the required commercial equipment licenses and permits and display the vessel's identification decal provided by the Department. **[Section 50-3-350 (C)]**

Expiration of licenses and permits.

Licenses issued for shellfish equipment expire on June 30th following their effective date. Permits expire under the terms of the individual permit. **[Section 50-5-385]**

Designation and maintenance of Public Shellfish Grounds; areas containing DHEC permitted structure; taking for commercial purpose prohibited.

The Department designates certain shellfish growing areas for recreational harvest only. It is a violation of the law for a person to take shellfish from such area for a commercial purpose or to sell or attempt to sell shellfish taken from such area. **[Section 50-5-955 (C)]**

Rules governing recreational shellfish bottom harvests.

Only properly licensed and permitted commercial fisherman and persons who received properly tagged shellfish from a licensed and certified wholesale seafood dealer may possess more than the daily recreational limits provided in law while on the waters of this State or the adjoining lands. **[Section 50-5-960 (B)]**

Taking shellfish from bottoms designated for commercial harvest; individual harvester permits; written approvals; penalties.

A person who takes shellfish commercially or takes more than the recreational limits allowed by law from the bottoms designated for commercial harvest must possess an individual harvesting permit. **[Section 50-5-965 (A)]**

In order to obtain an individual harvesting permit, a person must be a licensed commercial saltwater fisherman, hold all other appropriate valid commercial licenses, and complete any shellfish training required by regulations promulgated by the South Carolina Department of Health and Environmental Control pursuant to Section [44-1-140](#). **[Section 50-5-965 (B)]**

The Department may limit the number of areas on which an individual may harvest commercially under permit. **[Section 50-5-965 (D)]**

People holding Shellfish Culture or Mariculture Permits may allow others to harvest shellfish from bottoms permitted to them. In addition to the required Department permit, in the form of a hard card, harvesters must have a decal from the Shellfish Culture permittee or Shellfish Mariculture permittee for each area. **[Section 50-5-965 (E)]**

No person may take or attempt to take shellfish from state-owned bottoms in quantities greater than that allowed for personal use without having in possession a valid individual commercial harvesting permit granted to him by the Department. **[Section 50-5-965 (F)]**

No person may take or attempt to take shellfish from state-owned bottoms under permit for shellfish

culture or mariculture without a valid individual harvester permit granted to him by the Department.
[Section 50-5-965 (G)]

Mechanical harvest permits; penalties.

It is unlawful to take or attempt to take shellfish by mechanically operated devices without a mechanical harvest permit. **[Section 50-5-970]**

Commercial and personal harvest limited to areas specified on permit; penalties; voluntary surrender of commercial permit.

A person permitted to harvest shellfish from state- owned bottoms for commercial purposes must harvest, whether for commercial or personal use, from only the areas of state bottoms specified on the permit. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than five hundred dollars or imprisoned for not more than thirty days. **[Section 50-5-975 (A)]**

Following voluntary surrender of a commercial shellfish harvest permit by a commercial fisherman, the Department must not issue a commercial harvest permit to that person during the remainder of the license year. **[Section 50-5-975 (B)]**

Erection and maintenance of signs; penalty.

It is not lawful without approval of the Department to erect or maintain any sign on shellfish bottoms or waters, except Culture or Mariculture Permit holders may erect signs approved by the Department to designate their areas under permit. **[Section 50-5-980]**

Setting season for taking shellfish; bringing shellfish into State during closed season; night harvests; penalties.

The Department sets the shellfish season annually. Please contact the Department (843)953-9301 for the shellfish opening and closing dates. It is a violation of the law for a person to take or attempt to take any shellfish during the closed season. A person who violates the provision of this subsection for a commercial purpose is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days and must have his saltwater privileges suspended for twelve months. A person who violates this section for a noncommercial purpose is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days.
[Section 50-5-985 (A)]

It is unlawful to take or attempt to take shellfish from any grounds closed by the Department or any other authorized government agency. A person who violates the provision of this subsection for a commercial purpose is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days and must have his saltwater privileges suspended for twelve months. A person who violates the provisions of this subsection for a noncommercial purpose is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days. **[Section 50-5-985 (B)]**

Shellfish imported during the closed season must bear written evidence, such as a bill of lading or other official document from the State of removal, which verifies that the shellfish were lawfully taken from the state. **[Section 50-5-985 (E)]**

It is unlawful to harvest shellfish between one-half hour after sunset as locally published and one-half hour before sunrise as locally published. In the case of bottoms under culture or mariculture permit, harvesting at night is lawful with the written permission of the Department. **[Section 50-5-985 (F)]**

Size limitations for hard clams of the genus *Mercenaria*; permits for possession and sale of undersized clams; penalties.

Except as an activity of mariculture it is unlawful to take or attempt to take, possess, sell, purchase, or import a hard clam less than one inch in thickness as measured from the exterior surface of one shell of the intact clam to the exterior surface of the opposite shell. A person taking a clam of other than legal size must immediately return it to the bottoms from whence it came. **[Section 50-5-990 (A)]**

It is lawful for persons and entities engaged in shellfish mariculture operations to possess mariculture clams of less than the minimum size specified in this section and to import, purchase, sell, or transplant undersized mariculture clams, as defined in this section, by obtaining a permit. It is also lawful for a licensed wholesale seafood dealer or retail restaurant to purchase and possess for resale undersized maricultured clams purchased from a mariculture operation permitted pursuant to this section, provided the licensed wholesale seafood dealer or retailer has proof of origin in possession for each lot of clams purchased. **[Section 50-5-990(B)]**

Wholesale seafood dealer prohibited from purchasing from unlicensed fisherman or dealer; maintenance of records; penalties.

It is unlawful for a wholesale seafood dealer to purchase shellfish from anyone other than a properly licensed and permitted commercial saltwater fisherman or another licensed wholesale seafood dealer. The dealer must maintain a record of all purchases of shellfish handled including the name and address of the person from whom purchased, the area where harvested, the type of shellfish purchased, the dates of harvest and purchase, and the commercial saltwater fisherman's license number. The record must be available for inspection by any law enforcement officer or Department personnel for one year after the date of sale. **[Section 50-5-1000 (A)]**

Unlawful removal of shell; penalty.

It is unlawful to remove shells from any shell deposit under state jurisdiction without a permit from the Department. **[Section 50-5-1015]**

All permits must be obtained through the Permitting Office at the Office of Fisheries Management at 217 Fort Johnson Road, Charleston, SC 29412.

***All fishermen commercially harvesting molluscan shellfish must have harvest tags, please contact SC DHEC Shellfish Sanitation for details.**

* If you no longer need your license please be sure to surrender it to the Commercial License office in Charleston (PO Box 12559 Charleston, SC 29422). If you have questions about surrendering your license please call (843)953-9311.

As required by S.C. Code Section 8-29-10, applicants for a commercial license or permit are required to complete an affidavit entitled "Verification of Lawful Presence in the United States" certifying that the applicant is lawfully in the United States. The affidavit MUST be completed, notarized and returned with the application. If you are a US citizen, the properly filled out affidavit is all that is required. If you are not a US citizen, you will be required to provide documentation, which is subject to verification with the Department of Homeland Security. Specific types of documentation that may be provided can be found

on Page 2 of the form, under "Accepted Immigration Documents." Your application for a commercial license or permit will be returned if the affidavit and documentation is not received and notarized. If your license/permit is in a company name the owner/responsible party for the company must complete the affidavit and indicate the business information on the bottom right of the form. The affidavit only needs to be completed once if you are a U.S. Citizen 18 years of age or older, all others will be required to resubmit the affidavit each time an individual applies for a commercial license or permit from the Department.

If you are convicted for an offense, there may be points assessed against your license or your privileges may be suspended if the statute requires it. Upon an accumulation of eighteen (18) or more points, the privileges of that license will be suspended for one year. Points and violations can be found in the SC DNR Rules and Regulations book or SC Code of Laws 50-5-2500(A).

If your license/ permit is suspended or revoked, you are entitled to an administrative appeal pursuant to the South Carolina Administrative Procedures Act. The review must be scheduled by the Administrative Law Court in accordance with the division's procedural rules. The scope of the hearing is limited to the issues set out by the Administrative Procedures Act and the division's procedural rules. Appeals must be filed and served within 30 days of suspension/ revocation notice with the Clerk of Court of Administrative Law Court 1205 Pendleton Street Suite 224 Columbia, SC 29201, telephone (803)734-0660.

SCDHEC - Shellfish Commercial Harvester Regulations and Safety Guidelines

These safety guidelines include the requirements for commercial shellfish harvesters operating in South Carolina as required by Regulation 61-47 and enforced by the South Carolina Department of Health and Environmental Control (SCDHEC). The guidelines are set forth and required to protect human health and consumers from the unsafe harvesting, handling, transportation, and distribution of molluscan shellfish.

- **HARVESTER TRAINING** – Shellfish harvesters are required to have DHEC-approved harvester education. SC DNR will not issue harvest permits until you have completed the DHEC-required training. This training is to make harvesters aware of human health concerns related to shellfish and thereby improve consumer safety.
- **PROTECTION FROM CONTAMINATION** - Harvesters **MUST** protect harvested shellstock from contamination at all times. Contamination can come from many different sources. Water from a closed area splashing on product as you head back to the landing or dock, animals on board vessels, transporting shellstock in vessels that allow bilge water to come into contact with shellstock are examples of potential sources of contamination.
- **APPROVED HARVESTING AREAS** - Shellstock must be harvested **ONLY** from shellfish growing waters that are classified as APPROVED by SCDHEC. It is important to know where you are harvesting. Areas which are NOT SAFE for harvest are marked in orange or red on the maps provided to you by SCDNR for State Shellfish Grounds. SCDHEC has closed these areas based on levels of bacteria that are in the water. Oysters and clams can concentrate bacteria from the water as they filter feed. Shellfish from SCDHEC-closed areas could contain high levels of bacteria that could make a consumer sick. Maps of the shellfish harvesting areas that have been closed to harvesting for the season can be located by going to www.scdhec.gov/shellfish
- **TEMPORARY CLOSURES** – In case of pollution events (e.g. spills) or heavy rainfall, harvest areas may be temporarily closed by SCDHEC. Such closures will be announced in your local newspaper and at <http://www.scdhec.gov/FoodSafety/ShellfishMonitoring/ClosureUpdates/>. SCDHEC also maintains a closure hotline 1-800-285-1618.
- **HARVESTING TIMES** – **During the regular season** shellstock must be delivered to a certified shellfish dealer within **18 HOURS** from initial harvest start time. Initial harvest start time is when the first oyster or clam is harvested and placed into a container. It is important to make sure that shellstock are delivered as soon as possible to the certified dealer to begin the cooling process. Shellfish already contain bacteria and warmer temperatures (such as the air) will cause the bacteria to multiply. The quicker the shellfish are cooled to below 50 degrees F., the lower the risk of an illness associated with the product.
- **HARVEST TAGS** - Commercial harvesters shall affix a harvest identification tag to containers of shellstock prior to removal of the shellstock from the area in which it is harvested. Commercial Harvest Tags must be obtained from the Certified Shipper (=Dealer) who will purchase your product. This must be arranged with the Dealer PRIOR to harvest. The tag must be completely filled out and have the most precise location and time from when and where the shellstock was harvested on each individual container. This is a critical part of the tracking

process in case someone becomes ill from eating the shellfish. When an illness occurs, officers use the tags to identify where the oysters or clams came from. If multiple people become ill from shellfish from the same area it is critical for SCDHEC to be able to identify all the shellfish harvested from that area and make sure it is removed from the marketplace to prevent further people from becoming sick.

- **BULK TAG** - When shellstock are harvested from a single harvest area on a single day, and a harvest vessel utilizes open decks or holds, tubs or totes, or other similar large-capacity holding units for the transport of loose, bulk shellstock, the vessel may utilize a single harvest identification tag. ****Quantity of shellstock must be indicated on the bulk tag.***
- **BOAT CONSTRUCTION** –All vessels used in the gathering of shellstock shall be constructed, used, and maintained in a manner that will prevent product contamination; this includes bilge water. Elevated decks in boats can keep shellstock above any bilge water that has accumulated in the bottom of the boat. Fuel containers and any human waste containers should be stored so as to prevent any spillage on or near the shellstock or in the water. **Human Waste should never be discharged into the waters of a shellfish growing area!!!!** This could result in deadly bacteria being introduced to the shellfish which would later be harvested and sold to consumers. Always store any human waste in a container with a tight fitting lid or have on board a United States Coast Guard (USCG) approved Marine Sanitation Device. If a bucket with a tight fitting lid is used, it must be labeled HUMAN WASTE and not used for any other purposes. Once back to the land it should be emptied in a toilet or portable toilet only.
- **TRANSPORTATION** - Vehicles used to transport shellfish shall be constructed, operated, and maintained to prevent contamination, deterioration, and decomposition of shellfish. Shellfish transported in unenclosed vehicles shall at all times be protected by effective coverings. Enclosed vehicles such as refrigerated box trucks should be maintained and cleaned to prevent the buildup of unsanitary conditions. Refrigeration units on these trucks should be capable of maintaining an ambient air temperature of 45 degrees F. or less. When non-refrigerated vehicles are used to transport shellstock to a certified dealer, an effective covering should be used to prevent debris and road film from being sprayed onto shellstock. The coverings also help to prevent the shellstock from being in direct sunlight and increased post harvest temperatures.

For questions about any of this information contact your local SCDHEC Shellfish Officers:

Horry and Georgetown Counties: Myrtle Beach office – 843 -238-4378

Charleston County : Charleston office - 843-953-0150

Beaufort, Colleton and Jasper Counties: Beaufort office - 843-846-1030

Closure Hotline 1-800-285-1618

Summary of Public Fishing Pier Laws

2017-2018

This document should be kept on all licensed public piers as a legal reference, not to supersede knowledge of the pertinent laws. Complete laws can be found at www.scstatehouse.gov.

License Requirements: [Section 50-9-560 (B)]

| | |
|-------------------------------------|----------|
| Pier less than or equal to 100 feet | \$150.00 |
| Pier greater than 100 feet | \$350.00 |

Definitions:

“Public Fishing Pier” means piers open to the public which charge a fee to fish. **[Section 50-5-15 (42)]**

Recreational saltwater fishing licenses; fees.

For the privilege of operating a public fishing pier in the salt waters of this state, the owner or operator must purchase an annual saltwater public fishing pier license for:

- (1) \$150 for a pier one hundred feet or less in total length
- (2) \$350 for a pier greater than one hundred feet in total length

[Section 50-9-560 (B)]

Exemptions from recreational saltwater fishing license requirements.

Fishermen fishing from a licensed public fishing pier are exempt from purchasing a saltwater recreational fishing license. **[Section 50-9-715 (1)]**

Charter fishing vessel and public pier logs; penalties.

Public fishing piers shall maintain a log of the number of persons fishing from that structure each day. The logs must be submitted to the department monthly by the tenth day of the following month as prescribed or approved by the department. An owner or operator who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five dollars nor more than five hundred dollars or imprisoned for not more than thirty days and a subsequent license must not be issued until the requirements of this subsection are met. **[Section 50-5-1915 (B)]**

* If you no longer need your license please be sure to surrender it to the Commercial License office in Charleston (PO Box 12559 Charleston, SC 29422). If you have questions about surrendering your license please call (843)953-9311.

If you are convicted for an offense, there may be points assessed against your license or your privileges may be suspended if the statute requires it. Saltwater points are assessed in two categories: Recreational and Commercial. Upon an accumulation of eighteen (18) or more points in a category, the privileges of that category will be suspended for one year. While under Recreational Suspension, a person found guilty of a commercial saltwater violation will have all saltwater privileges suspended for one year. While under Commercial Suspension, a person found guilty of a recreational violation will

have all saltwater privileges suspended for one year. Points and violations can be found in the SC DNR Rules and Regulations book or SC Code of Laws 50-5-2500(A).

If your license/ permit is suspended or revoked, you are entitled to an administrative appeal pursuant to the South Carolina Administrative Procedures Act. The review must be scheduled by the Administrative Law Court in accordance with the division's procedural rules. The scope of the hearing is limited to the issues set out by the Administrative Procedures Act and the division's procedural rules. Appeals must be filed and served within 30 days of suspension/ revocation notice with the Clerk of Court of Administrative Law Court 1205 Pendleton Street Suite 224 Columbia, SC 29201, telephone (803)734-0660.

Public Fishing Pier Logs

South Carolina Department of Natural Resources Reporting Requirements:

- 1) All licensed public fishing piers must submit a report of the number of people fishing on that pier daily to the Marine Resources Division's Fisheries Statistics Program, P.O. Box 12559, Charleston, SC 29422-2559 on a MONTHLY basis.**
- 2) Reports must be received by the 10th of the following month regardless of whether or not people fished off of the pier. If no people fished off of the pier during the month, a report must be submitted with "No Fishermen For The Month Of (month)" printed on the form.**
- 3) Reports should be complete and accurate. This data is utilized by the Department and the National Marine Fisheries Service in the management of the State's marine resources.**
- 4) Public Fishing Pier logbooks can be picked up from Room 215 in the Administrative Building at the Marine Resources Center on James Island, or can be mailed to permit holders. For further information or questions, please call the Fisheries Statistics Program at 843-953-9313.**

Summary of Laws for Commercial Herring Fishing with Legal References

2017-2018

This document should be kept on board all vessels employed for commercial herring fishing as a reference to regulation, not to supersede knowledge of the pertinent laws.

Complete laws can be found at www.scstatehouse.gov.

License Requirements: [Section 50-5-300, Section 50-5-310, Section 50-5-325, Section 50-5-1500]

| | <u>Resident</u> | <u>Non-Resident</u> |
|-------------------------------|----------------------------|-------------------------------|
| Saltwater Commercial License | \$25.00 | \$300.00 |
| Herring Gill Net License | \$10/100 yards or fraction | \$50/100 yards or fraction |
| Haul Seine License | \$10/100 feet or fraction | \$50/100 feet or fraction |
| Commercial Vessel Decal | No Charge | No Charge |
| Herring Gill Net Permit | No Charge | No Charge |
| Freshwater Commercial License | \$50.00 | \$1000.00 |

Legal definitions important to herring fishermen include:

- “Anadromous” identifies fish which undertake adult migration from brackish or salt waters into freshwaters to spawn, except striped bass or rock fish and hybrid bass, and includes landlocked stocks of those fish. **[Section 50-5-15 (1)]**
- “Cast net” means nonbaited circular webbing having a weighted peripheral line which is thrown by hand and retrieved by a central line connected to radiating tuck lines attached to the peripheral line. **[Section 50-5-15 (7)]**
- “Catadromous” identifies fish which undertake adult migration from freshwater into brackish or salt water to spawn. **[Section 50-5-15 (8)]**
- “Commercial equipment” means:
 - (a) any trawl, haul seine, gill net, channel net, bull rake, seed fork, grabs, escalator, or dredge; and
 - (b) any net, seine, trap, pot, tongs, rake, fork, trotline, or other device or appliance when used for taking or attempting to take fish for a commercial purpose. **[Section 50-5-15 (11)]**
- “Commercial purpose” means:
 - (a) being engaged in buying or selling fish;
 - (b) taking or attempting to take fish in order to derive income or other consideration;
 - (c) using commercial equipment; and
 - (d) otherwise being engaged in the fisheries industry with the intent to derive income. **[Section 50-5-15 (12)]**
- “Fish” means finfish, shellfish including mollusks, crustaceans, horseshoe crabs, whelks (conchs), turtles, and terrapin or products thereof. **[Section 50-5-15 (21)]**
- “Freshwater” all waters of the river and their tributaries, streams and estuaries lying above the dividing line.
- “Gill net” means a net which is designed to hang vertically and capture fish by entanglement usually of the head, gill covers, or preopercles, and does not include gill net for taking shad unless specified. **[Section 50-5-15 (25)]**
- “Herring” means any or all life stages of the river herrings being blueback herring (*Alosa aestivalis*) and alewife (*Alosa pseudoharengus*). **[Section 50-5-15 (27)]**

- “Recreational fishermen” means persons taking or attempting to take saltwater fish for recreation only, and not for commercial purposes. **[Section 50-5-15 (41)]**
- “Salt waters” means all waters of the rivers and their tributaries, streams, and estuaries lying seaward of the dividing line between salt water and freshwater and all impounded waters seaward of the dividing line between salt water and freshwater which are intermittently filled or drained by the action of the tide. **[Section 50-5-15 (42)]**
- “Saltwater gamefish” means any species of saltwater fish designated as a saltwater gamefish in this title. **[Section 50-5-15 (43)]**
- “Shad” means American or white shad (*Alosa sapidissima*) and hickory or skip-jack shad (*Alosa mediocris*). **[Section 50-5-15 (46)]**
- “Striker” means a person, other than a licensed saltwater commercial fisherman, who under immediate supervision assists a licensed commercial saltwater fisherman, but does not use separate commercial equipment on a vessel which is engaged in commercial fishing. **[Section 50-5-15 (54)]**
- “Take” means to harass intentionally, hunt, capture, gather, harvest, remove, catch, wound, or kill or attempt to harass, hunt, capture, gather, harvest, remove, catch, wound, or kill. **[Section 50-5-15 (55)]**
- “Territorial sea” means that portion of the Atlantic Ocean under the jurisdiction of the State of South Carolina as depicted on charts of the National Oceanic and Atmospheric Administration or its successor agency. **[Section 50-5-15 (56)]**
- “Skim-bow net” means a net constructed of webbing not greater than two and one-half inches, stretched mesh, hung within a frame formed by a length of wood or other material looped and attached upon itself end to end forming a loop having no distance across greater than fifteen feet. **[Section 50-5-15 (62)]**
- “Stretch” as used to describe the measure of mesh of nets means that the material is pulled snugly but not to the point of lengthening the single or multi-strand line of the netting. Measurement is made across the widest dimension of the mesh when so pulled. **[Section 50-5-15 (63)]**

A person taking shad, herring, or eels for commercial purposes:

In the salt waters of this State, must obtain a commercial saltwater fishing license and a commercial saltwater equipment license and related permits; **[Section 50-9-420 (1)]**

In the freshwaters of this State, must obtain a commercial freshwater license and a commercial saltwater equipment license and related permits. **[Section 50-9-420 (2)]**

A person taking shad, herring, or eels for recreation:

In the saltwaters of this State must have a recreational saltwater fishing license; if using a gill net or eel pot, must have an annual recreational saltwater license and a saltwater commercial equipment license and related permits; **[Section 50-9-545 (1)]**

In the freshwaters of this State must have a recreational freshwater fishing license; if using a gill net or eel pot, must have an annual recreational freshwater fishing license and a saltwater commercial equipment license and related permits. **[Section 50-9-545 (2)]**

Seasons:

Winyah Bay System- includes Black River, Little Pee Dee River, Lynches River, Sampit River, and the Waccamaw River from its northern ocean outlet at Little River to Winyah Bay, and Winyah Bay.

Season: No open season

Great Pee Dee River:

Season: February 15 through April 15

Times: 7:00 am Wednesday to 7:00 pm Saturday, local time

Methods: Any lawful method and equipment

Take Limit: No limits

Santee River- below Wilson Dam including the Rediverson Canal below St. Stephen Dam, North Santee River and Bay, South Santee River, and all tributaries and distributaries as follows.

Santee River below the cable and buoys marking the seaward boundary of the Wilson Dam Sanctuary designated by the department seaward to Wilson Dam Boat Landing:

Season: February 15-April 30

Times: Sunrise Monday – sunset Thursday, as locally published

Methods: Cast net and seine net. A seine may not exceed one hundred yards in total length. The mesh of the seine must not be less than one-half inch square. All fish except those used for live bait must be containerized in one bushel units before landing.

Take Limit: 10 US bushels per boat per day. No harvest may be transferred between boats. No additional boat may be used to increase a person's daily take.

Rediversion Canal:

Season: March 1- April 30

Times: 7pm-12pm EST, 8pm-12pm DST

Methods: Circular drop nets up to 6 feet in diameter, lift nets and Cast nets. Nets must be operated by hand; no trawling; no culling. All fish except those for live bait must be containerized in up to 100 pound units before landing. No fishing within 100 feet of the fish lift exit channel at St. Stephen Powerhouse, except with hook and line from March 1-April 15.

Take Limit: 10 US bushels per boat per day. No harvest may be Transferred between boats. No additional boat may be used to increase a person's daily take.

Santee River seaward of Wilson Boat Landing:

Season: No open season

Charleston Harbor- includes Wando River and Cooper River to US Hwy 17 bridges, Charleston Harbor, and Ashley River and all tributaries and distributaries.

Tailrace Canal from CSX Railroad Bridge to Jefferies Power Plan Sanctuary Line:

Season: March 1- April 30
Times: Locally published sunrise – 10 pm
Methods: Circular drop nets up to 6 feet in diameter, lift nets and Cast nets. Nets must be operated by hand; no trawling; no culling. All fish except those for live bait must be containerized in up to 100 pound units before landing.
Take Limit: 10 US bushels per boat per day. No harvest may be Transferred between boats. No additional boat may be used to increase a person's daily take.

Cooper River from CSX Railroad bridge to US Hwy 17:

Season: No open season

Charleston Harbor system excluding Tailrace Canal and Cooper River seaward to the US HWY 17 bridges:

Season: February 15 – April 15
Methods: Any lawful method and equipment
Take Limit: No take limits

Lake Moultrie, Lake Marion, Diversion Canal, Intake Canal of Rediversion Canal- no closed season, no time restrictions; may use cast nets, lift nets, and hook and line. Limit of 250 pounds per boat per day of shad and herring combined.

Lake Jocassee—no closed season; no time restrictions; hook and line only. No take limit.

Lake Keowee—no closed season; no time restrictions; cast net and hook and line only. No take limit.

Lake Hartwell-- no closed season; no time restrictions; cast net and hook and line only. No take limit.

Lake Richard B. Russell-- no closed season; no time restrictions; cast net and hook and line only. No take limit.

Lake J. Strom Thurmond-- no closed season; no time restrictions; cast net and hook and line only. No take limit.

Savannah River and all tributaries and distributaries; Seaward of the Augusta Diversion Dam—no open season

Lake Secession, Stevens Creek Reservoir-- no closed season; no time restrictions; cast net and hook and line only. No take limit.

Lake Greenwood, Lake Murray, Saluda River between Buzzards Roost and SC Hwy 121-- no closed season; no time restrictions; cast net and hook and line only. No take limit.

Catawba River impoundments including Lake Wylie and Lake Wateree-- no closed season; no time restrictions; cast net and hook and line only. No take limit.

Lake Monticello-- no closed season; no time restrictions; cast net and hook and line only. No take limit.

Licenses and permits requirements; penalty for unlawful taking.

The department may restrict the number of nets for taking herring in any body of water where the numbers of nets or fishermen must be limited due to statutory limitations on placement of nets, to prevent congestion of nets or watercraft, or for conservation purposes. The department may grant permits to licensed commercial saltwater fishermen for this purpose. Permits may be limited in number and may be conditioned so as to designate areas, size and take limits, hours, type and amount of equipment, and catch reporting requirements. **[Section 50-5-1500(B)]**

Special provisions as to shad and herring.

It is unlawful to take herring by hook and line or by skim-bow net while operating or possessing any commercial fishing equipment for taking shad or herring. **[Section 50-5-1510 (A)(1)]**

It is unlawful for a recreational fisherman to take herring with any other fishing equipment except cast nets, skim-bow nets, and hook and line which includes rod and reel, provided that a properly licensed gill net may be used to take shad for recreational purposes. Except from sanctuaries designated by the department, a recreational fisherman may take shad:

- [a] by hook and line and cast net at any time of the year,
 - [b] by skim-bow net from February 1 – April 30; and
 - [c] by licensed gill net during those times provided in this article for commercial fishing.
- [Section 50-5-1510 (A)(2)]**

It is unlawful to possess saltwater or freshwater gamefish or fishing tackle capable of taking saltwater or freshwater gamefish while using shad gill nets. **[Section 50-5-1510 (A)(3)]**

Nongame fish taken in lawfully fished herring nets or skim-bow nets may be kept by the fisherman. Any Atlantic sturgeon and any gamefish must be returned immediately to the water. **[Section 50-5-1510 (A)(4)]**

It is unlawful to set a net in a fixed position in the navigation channel of the Atlantic Intracoastal Waterway. **[Section 50-5-1510 (A)(5)]**

A gill net used for taking or attempting to take herring in the salt waters of this State must have a mesh size of two and one-half inches stretched and a length no greater than nine hundred feet. Only one herring gill net may be used by occupants of a boat, and the drift net must be attended at all times when deployed. Additional boats in tow may not be used to increase the number of authorized nets. **[Section 50-5-1510 (A)(11)]**

A gill net used for taking or attempting to take herring in freshwaters must have a stretched mesh of two and one-half inches stretched and a length no greater than six hundred feet. **[Section 50-5-1510 (A)(12)]**

A gill net used for taking or attempting to take herring in the salt waters of this State must have at least one end buoy attached which has the name and license number of the owner clearly marked on it. A buoy not less than twenty inches in diameter must be attached to each end of the net, and in any net more than three hundred feet in length a buoy not less than ten inches must be attached every three hundred feet on the float line. All buoys must be international orange in color and must float so as to be clearly visible at all times. **[Section 50-5-1510 (A)(13)]**

A gill net used for taking or attempting to take herring in the freshwaters of this State must be marked with buoys, international orange in color and not less than six inches in diameter, which float in a manner to be clearly visible at all times. One buoy must be attached to the float line of the net every three hundred feet, and a buoy must be attached to each end of each net. At least one end buoy attached to the net must have the name and license number of the owner clearly marked on it. **[Section 50-5-1510 (A)(14)]**

Skim-bow nets must be used or fished only from high land or from a pier, dock, or other structure permanently affixed to high land without the aid of any power assisted device. Only shad, herring, and other nongame fish may be retained. No such fish may be sold. **[Section 50-5-1510 (A)(15)]**

Herring catch limits.

A person not licensed as a commercial saltwater fisherman taking or attempting to take herring by cast net or by hook and line, including rod and reel, may take or possess no more than an aggregate of one bushel of herring in any one day. In freshwaters, a person must hold a freshwater fishing license. **[Section 50-5-1520]**

Unlawful taking of Atlantic sturgeon; penalties.

Any sturgeon taken must be released immediately back into the waters where taken. **[Section 50-5-1525 (A)]**

Taking of shortnose sturgeon prohibited; penalty.

It is unlawful for anyone to take, possess, buy, sell, or ship shortnose sturgeon (*Acipenser brevirostrum*) or any part or product thereof. Any shortnose sturgeon taken incidentally to fishing activity must be returned unharmed immediately to the water from where taken. **[Section 50-5-1535]**

Net placement.

No herring net, including its cables, lines, or attached devices, either set or drift fished may be longer than one-half the normal width of the water body at the place where used, regardless of the stage of the tide, river stage, water level, or method of net deployment. **[Section 50-5-1540 (A)]**

[1] No net may be set within six hundred feet of any gill net previously set.

[2] No net may be drifted within six hundred feet of another drifting net.

[3] No net may be placed or set within seventy-five feet of the confluence of any tributary. **[Section 50-5-1540 (B)]**

A lawfully drifted gill net may pass within six hundred feet of a lawfully anchored gill net. **[Section 50-5-1540 (C)]**

Removal of nets during off times and periods; penalties.

During times and periods when taking of herring by net is not allowed, any net which could be used for taking herring must be removed from the waters. **[Section 50-5-1545 (B)]**

Any non-mesh, net-related fishing apparatus, including leads, cables, anchors, signs, and buoys must be removed from the waters and banks of the streams or water courses no later than three days after the close of the shad season. Any net or part thereof found in violation is contraband and must be seized and disposed of as provided by law. **[Section 50-5-1545 (D)]**

Anchors with attached line and buoys may remain in lawful waters during weekly closed periods of the open season. **[Section 50-5-1545 (E)]**

Seizure of net or seine containing decomposed fish.

Any net or seine set in the waters of this State which contains decomposed fish is contraband and must be seized and disposed of as provided in this chapter. **[Section 50-5-1550]**

A commercial fisherman who sells shad, herring, or eels must sell to either a licensed wholesale seafood dealer or a licensed bait dealer or must be licensed as a wholesale seafood dealer or bait dealer. **[Section 50-5-1557]**

* If you no longer need your license please be sure to surrender it to the Commercial License office in Charleston (PO Box 12559 Charleston, SC 29422). If you have questions about surrendering your license please call (843)953-9311.

If you are convicted for an offense, there may be points assessed against your license or your privileges may be suspended if the statute requires it. Upon an accumulation of eighteen (18) or more points, the privileges of that license will be suspended for one year. Points and violations can be found in the SC DNR Rules and Regulations book or SC Code of Laws 50-5-2500(A).

As required by S.C. Code Section 8-29-10, applicants for a commercial license or permit are required to complete an affidavit entitled "Verification of Lawful Presence in the United States" certifying that the applicant is lawfully in the United States. The affidavit MUST be completed, notarized and returned with the application. If you are a US citizen, the properly filled out affidavit is all that is required. If you are not a US citizen, you will be required to provide documentation, which is subject to verification with the Department of Homeland Security. Specific types of documentation that may be provided can be found on Page 2 of the form, under "Accepted Immigration Documents." Your application for a commercial license or permit will be returned if the affidavit and documentation is not received and notarized. If your license/permit is in a company name the owner/responsible party for the company must complete the affidavit and indicate the business information on the bottom right of the form. The affidavit only needs to be completed once if you are a U.S. Citizen 18 years of age or older, all others will be required to resubmit the affidavit each time an individual applies for a commercial license or permit from the Department.

If your license/ permit is suspended or revoked, you are entitled to an administrative appeal pursuant to the South Carolina Administrative Procedures Act. The review must be scheduled by the Administrative Law Court in accordance with the division's procedural rules. The scope of the hearing is limited to the issues set out by the Administrative Procedures Act and the division's procedural rules. Appeals must be filed and served within 30 days of suspension/ revocation notice with the Clerk of Court of Administrative Law Court 1205 Pendleton Street Suite 224 Columbia, SC 29201, telephone (803)734-0660.

Information for the Herring Fishery

Just a reminder, if you plan to catch herring with commercial gear (herring gill net or herring cast net) you **MUST**:

- Buy a saltwater fishing license and/or freshwater fishing license (depending on where you are fishing). If you are recreationally fishing (NOT selling your catch) then you need your recreational fishing license.
- Buy a herring net license
- Obtain a permit from the OFM Permitting Office
- Sell to a **licensed** dealer
- **Complete** and return **Mandatory Herring Harvest Report Forms** to SCDNR.

If you plan to catch herring with commercial gear and **sell** your catch as a dealer (sell it yourself) you **MUST**:

- Buy a saltwater commercial license and/or freshwater commercial license (depending on where you are fishing)
- Buy a herring net license
- Obtain a permit from the OFM Permitting Office
- Buy a wholesale **dealer** license or bait **dealer** license
- **Complete** and return **Mandatory Herring Harvest and Dealer Report Forms** to SCDNR.

Fishermen landing their catch and who **do not** have a commercial license are prohibited from selling or transferring any seafood product for personal gain to the public or to any business that **does not** have a primary wholesale dealers license or bait dealers license.

Please fill out all blanks on Mandatory Herring Harvest Forms and return them by the 10th of the following month. It is important for the management of the species to know:

- **What river you are fishing**
- **What type of gear you are using (Gill or Cast nets, length of nets, how many)**
- **How long your gear is in the water (How long you fish per trip)**
- **Number of Herring caught**

Summary of Commercial Fishing Laws for Other Equipment/Trotlines
and
General Commercial Fishing Information
2017-2018

This document is a legal reference to regulations, not to supersede knowledge of the pertinent laws. Complete laws can be found at www.scstatehouse.gov.

| | <u>Resident</u> | <u>Non-Resident</u> |
|--|---------------------------|------------------------|
| Commercial Saltwater License | \$25.00 | \$300.00 |
| Trotline license | \$10.00 per 50 hooks/line | \$50 per 50 hooks/line |
| Cast net license | \$10.00 | \$50.00 |
| Gig license | \$10.00 | \$50.00 |
| Hook and Line license | \$10.00 | \$50.00 |
| Other Equipment (specify) | \$10.00 | \$50.00 |
| Hand Held Equipment to harvest Shellfish | no charge | |

Definitions:

Cast Net- means non-baited circular webbing having a weighted peripheral line which is thrown by hand and retrieved by a central line connected to radiating tuck lines attached to the peripheral line.

Commercial Saltwater License – Historically called “land and sell” license; only one license per person per year is needed; this license allows the fish to be sold to a licensed wholesale dealer. Commercial saltwater fisherman can only sell their catch to a SC licensed wholesale dealer. This license is needed before you can purchase any additional commercial license types (i.e. channel net, crab, eel, herring, shad, shellfish, trawl, other equipment (including cast net, gig, set hook, hook and line, dip net), trotlines and seine/gill nets.

Commercial Equipment- any trawl, haul seine, gill net, channel net, bull rake, seed fork, grabs, escalator, or dredge; and any net, seine, trap, pot, tongs, rake, fork, trotline, or other device or appliance when used for taking or attempting to take fish for a commercial purpose.

Commercial Purpose- (a) being engaged in buying or selling fish; (b) taking or attempting to take fish in order to derive income or other consideration; (c) using commercial equipment; and (d) otherwise being engaged in the fisheries industry with the intent to derive income.

Gig- means a device used to spear fish by hand; to take fish by hand by use of a prong, spear, or similar device and includes bow and arrow.

Hand Held Equipment - equipment used to harvest shellfish, including but not limited to tongs, rakes and forks.

Hook and Line- rod and reel.

Salt Waters- means all waters of the rivers and their tributaries, streams, and estuaries lying seaward of the dividing line between salt water and freshwater and all impounded waters

seaward of the dividing line between salt water and freshwater which are intermittently filled or drained by the action of the tide.

Short lines- fishing lines containing 50 or fewer hooks and measuring less than 500 yards in length.

Trotline- means a single line or wire having numerous hooks or baits and is also called long line.

General

For the privilege of taking or landing anadromous fish, saltwater fish, or fisheries products for commercial purposes, a nonresident must obtain a nonresident commercial saltwater fishing license for a fee of three hundred dollars unless specifically exempted in this article. A nonresident must also obtain a commercial saltwater fishing license for the privilege of selling, exchanging, or bartering such fish or product taken or landed by the nonresident. To act as a striker, a nonresident need not acquire a commercial saltwater fishing license. **50-5-310**

Except as provided in subsection (G), a person or entity who buys, receives, or handles any live or fresh saltwater fish or any saltwater fishery products landed in this State regardless of where taken and packs, processes, ships, consigns, or sells such items at other than retail, and not solely as bait, must first obtain a wholesale seafood dealer license. A person who buys or receives such product solely from licensed wholesale seafood dealers is not required to obtain a wholesale seafood dealer license. The fee for a resident wholesale seafood dealer license is one hundred dollars, and the fee for a nonresident license is five hundred dollars. Each location at which products are to be packed, processed, shipped, consigned, or bought, or to be sold at wholesale must be a permanent, nonmobile establishment, and must be separately licensed. The department may require applicants to specify the activities in which the applicant intends to engage. The department may provide information provided in the application to the South Carolina Department of Agriculture and the South Carolina Department of Health and Environmental Control. **50-5-360**

A person or entity who:

- (1) offers for sale any live or fresh fish or any saltwater fishery products, other than a licensed commercial saltwater fisherman licensed as a wholesale seafood dealer; or
- (2) transports live or fresh fish or any saltwater fishery products, other than a licensed commercial saltwater fisherman transporting his catch to a licensed wholesale seafood dealer;

must have in his possession dated bills of lading, invoices, receipts, bills of sale, or similar documents showing the quantity of each species and type of saltwater fishery product being offered for sale or transported and the name of the licensed commercial saltwater fisherman or licensed wholesale seafood dealer from whom the products were purchased or received. (B) A person or entity including a licensed commercial saltwater fisherman who takes saltwater licensed under this section or else he must be licensed as a wholesale seafood dealer under this fishery products and sells the catch must sell the catch only to a wholesale seafood dealer section. **50-5-365**

Trotline

A trotline used in the inshore salt waters of this State must have at least one end buoy, international orange in color, which shows the name and license number of the owner. Recreational trotlines must be marked by the name and address of the owner in lieu of a license number. Any trotline used in the territorial sea must be marked with a buoy not less

than twenty inches in diameter at each end, international orange in color, which floats in a manner to be clearly visible at all times. **50-5-505 B**

Cast Net

Cast nets may be used for herring and shrimp. When using a cast net for herring commercially, you must have your commercial license and a gear license and a permit obtained through the DNR permitting office.

Herring catch limits.

A person not licensed as a commercial saltwater fisherman taking or attempting to take herring by cast net or by hook and line, including rod and reel, may take or possess no more than an aggregate of one bushel of herring in any one day. In freshwaters, a person must hold a freshwater fishing license. **[Section 50-5-1520]**

Gigging

You cannot gig for flounder in saltwaters during day light hours.

It is unlawful to gig for sharks.

Unlawful to gig for red drum or spotted sea trout during December, January and February.

It is unlawful in Georgetown County to gig for fish in saltwaters from the northern tip of North Island to the northern tip of Magnolia Beach during daylight hours.

Hook and Line

Federal highly migratory species permit required when fishing for tuna, bill fish, sword fish, and sharks in federal waters. Additional federal permits may be required for targeting federally managed species. The same federal permit is also required for possession of these species in state waters with the exception of sharks. More information about federal permits can be found at <https://sero.nmfs.noaa.gov/permits> ; highly migratory species permits <https://hmspermit.noaa.gov>. A complete list of federally managed species can be found at www.safmc.net

Shark landings using hook and line (rod and reel) and trotlines (long lines) are considered "directed", trawlers are considered "incidental". Permits are required for both if landing sharks in SC.

All fish caught in SC waters must go through a wholesale seafood dealer before entering commerce; if federal species, dealer must have a federal dealer permit to receive and sell federally managed species.

Horseshoe Crabs

Fisherman must obtain a commercial saltwater license before obtaining permit. In order to obtain a permit you must have a "sponsor". This sponsor will notify the department if you are an authorized harvester.

Horseshoe crab permits, taking and handling requirements; penalty.

Taking or possessing horseshoe crabs (*Limulus polyphemus*) is unlawful except under permit granted by the department. A permit is not required to possess a cast off or molted shell (exoskeleton) of a horseshoe crab. **[Section 50-5-1330 (A)]**

The department may permit the taking or possession of horseshoe crabs. Permits granted under this section may include provisions as to lawful fishing areas; minimum size requirements for horseshoe crabs; mesh size and dimensions of nets and other harvesting devices; by catch requirements; fishing times or periods; catch reporting requirements; holding facilities, conditions, and periods; and other conditions the department determines. **[Section 50-5-1330 (B)]**

Horseshoe crabs from which blood is collected for production of amebocyte lysate may be held in facilities approved by the department and must be handled so as to minimize injury to the crab. Horseshoe crabs collected in this State must be returned unharmed to state waters of comparable salinity and water quality as soon as possible after bleeding unless subsequent retention is permitted. **[Section 50-5-1330 (C)]**

The taking of horseshoe crabs incidentally during legal fishing operations does not violate this section if the crabs are returned immediately to the water unharmed. **[Section 50-5-1330 (D)]**

No horseshoe crab collected in South Carolina may be removed from this State. **[Section 50-51330 (F)]**

The department may grant permits to institutions and persons engaged in science instruction or curation to possess horseshoe crabs or parts thereof for such purposes, and permittees are not required to be licensed under this chapter. **50-5-1330 E**

* If a fisherman wants to obtain a horseshoe crab permit, he needs to obtain a sponsor (dealer who sells horseshoe crabs). The sponsor must contact the DNR permitting office to request a permit for the horseshoe crab harvester.

Trawlers must not keep horseshoe crabs at any time of the year.

Shellfish

Shellfish Culture permittees must acquire a permit to take shellfish for replanting from state bottoms designated by the department for that purpose. Shellfish Mariculture permittees must acquire a permit from the department to take wild shellfish seed for use in mariculture. . **[Section 50-5-945. (A-B)]**

A person who takes shellfish commercially or takes more than the recreational limits allowed by law from the bottoms designated for commercial harvest must possess an individual harvesting permit. In order to obtain an individual harvesting permit, a person must be a licensed commercial saltwater fisherman, hold all other appropriate valid commercial licenses, and complete any shellfish training required by regulations promulgated by the South Carolina Department of Health and Environmental Control pursuant to Section [44-1-140](#). The Department may limit the number of areas on which an individual may harvest commercially under permit. People holding Shellfish Culture or Mariculture Permits may allow others to harvest shellfish from bottoms permitted to them. In addition to the required Department permit, in the form of a hard card, harvesters must have a decal from the Shellfish Culture permittee or Shellfish Mariculture permittee for each area. No person may take or attempt to take shellfish from state-owned bottoms in quantities greater than that allowed for personal use without having in possession a valid individual commercial harvesting permit granted to him by the Department. No person may take or attempt to take shellfish from state-owned bottoms under permit for shellfish culture or mariculture without a valid individual harvester permit granted to him by the Department. **[Section 50-5-965 (A-G)]**

The Department may permit persons and entities engaged in shellfish mariculture operations to take, possess, and sell maricultured shellfish at any time during the year. **[Section 50-5-995]**

The department may issue an out-of-season harvest permit to a Shellfish Mariculture permittee for the privilege of harvesting or selling maricultured shellfish out of season. **[Section 50-5-997(A)]**

An authorized harvester acting under the provisions of a permittee's out-of-season harvest permit must first complete any shellfish training required by SCDHEC pursuant to Section [44-1-140](#). **[Section 50-5-997(D)]**

It is unlawful for any wholesale seafood dealer to purchase shellfish produced, taken, or landed in this State from anyone who is not either:(1) a properly licensed and permitted commercial saltwater fisherman; or (2) a properly licensed wholesale seafood dealer. **[50-5-1000(A)]**

All commercial fishermen MUST sell their catch to a SC licensed wholesale seafood dealer or MUST be a SC licensed wholesale seafood dealer.

No molluscan shellfish, shellfish tissues, or shells may be imported into this State and placed in waters in this State except under the provisions of a shellfish importation permit. No genetically modified shellfish, including polyploid shellfish, may be placed in the waters of this State or waters connected to the waters of this State, except under the provisions of a permit issued by the department. **[Section 50-5-1005 (A-B)]**

***All fishermen commercially harvesting molluscan shellfish must have harvest tags, please contact SC DHEC Shellfish Sanitation for details.**

* If you no longer need your license please be sure to surrender it to the Commercial License office in Charleston (PO Box 12559 Charleston, SC 29422). If you have questions about surrendering your license please call (843)953-9311.

If you are convicted for an offense, there may be points assessed against your license or your privileges may be suspended if the statute requires it. Saltwater points are assessed in two categories: Recreational and Commercial. Upon an accumulation of eighteen (18) or more points in a category, the privileges of that category will be suspended for one year. While under Recreational Suspension, a person found guilty of a commercial saltwater violation will have all saltwater privileges suspended for one year. While under Commercial Suspension, a person found guilty of a recreational violation will have all saltwater privileges suspended for one year. Points and violations can be found in the SC DNR Rules and Regulations book or SC Code of Laws 50-5-2500(A).

If your license/ permit is suspended or revoked, you are entitled to an administrative appeal pursuant to the South Carolina Administrative Procedures Act. The review must be scheduled by the Administrative Law Court in accordance with the division's procedural rules. The scope of the hearing is limited to the issues set out by the Administrative Procedures Act and the division's procedural rules. Appeals must be filed and served within 30 days of suspension/ revocation notice with the Clerk of Court of Administrative Law Court 1205 Pendleton Street Suite 224 Columbia, SC 29201, telephone (803)734-0660.

SCDHEC - Shellfish Commercial Harvester Regulations and Safety Guidelines

These safety guidelines include the requirements for commercial shellfish harvesters operating in South Carolina as required by Regulation 61-47 and enforced by the South Carolina Department of Health and Environmental Control (SCDHEC). The guidelines are set forth and required to protect human health and consumers from the unsafe harvesting, handling, transportation, and distribution of molluscan shellfish.

- **HARVESTER TRAINING** – Shellfish harvesters are required to have DHEC-approved harvester education. SC DNR will not issue harvest permits until you have completed the DHEC-required training. This training is to make harvesters aware of human health concerns related to shellfish and thereby improve consumer safety.
- **PROTECTION FROM CONTAMINATION** - Harvesters **MUST** protect harvested shellstock from contamination at all times. Contamination can come from many different sources. Water from a closed area splashing on product as you head back to the landing or dock, animals on board vessels, transporting shellstock in vessels that allow bilge water to come into contact with shellstock are examples of potential sources of contamination.
- **APPROVED HARVESTING AREAS** - Shellstock must be harvested **ONLY** from shellfish growing waters that are classified as APPROVED by SCDHEC. It is important to know where you are harvesting. Areas which are NOT SAFE for harvest are marked in orange or red on the maps provided to you by SCDNR for State Shellfish Grounds. SCDHEC has closed these areas based on levels of bacteria that are in the water. Oysters and clams can concentrate bacteria from the water as they filter feed. Shellfish from SCDHEC-closed areas could contain high levels of bacteria that could make a consumer sick. Maps of the shellfish harvesting areas that have been closed to harvesting for the season can be located by going to www.scdhec.gov/shellfish
- **TEMPORARY CLOSURES** – In case of pollution events (e.g. spills) or heavy rainfall, harvest areas may be temporarily closed by SCDHEC. Such closures will be announced in your local newspaper and at <http://www.scdhec.gov/FoodSafety/ShellfishMonitoring/ClosureUpdates/>. SCDHEC also maintains a closure hotline 1-800-285-1618.
- **HARVESTING TIMES – Cooler Months** Shellstock must be delivered to a certified shellfish dealer within **18 HOURS** from initial harvest start time. Initial harvest start time is when the first oyster or clam is harvested and placed into a container. It is important to make sure that shellstock are delivered as soon as possible to the certified dealer to begin the cooling process. Shellfish already contain bacteria and warmer temperatures (such as the air) will cause the bacteria to multiply. The quicker the shellfish are cooled to below 50 degrees F., the lower the risk of an illness associated with the product.
- **HARVESTING TIMES –Warmer Months** SC DHEC designates warmer months as temperature control months. This year the temperature control months are June through September. Harvesters operating during these months must have special permits from SCDNR and complete SC DHEC summer harvest training.

- **HARVEST TAGS** - Commercial harvesters shall affix a harvest identification tag to containers of shellstock prior to removal of the shellstock from the area in which it is harvested. Commercial Harvest Tags must be obtained from the Certified Shipper (=Dealer) who will purchase your product. This must be arranged with the Dealer PRIOR to harvest. The tag must be completely filled out and have the most precise location and time from when and where the shellstock was harvested on each individual container. This is a critical part of the tracking process in case someone becomes ill from eating the shellfish. When an illness occurs, officers use the tags to identify where the oysters or clams came from. If multiple people become ill from shellfish from the same area it is critical for SCDHEC to be able to identify all the shellfish harvested from that area and make sure it is removed from the marketplace to prevent further people from becoming sick.
 - **BULK TAG** - When shellstock are harvested from a single harvest area on a single day, and a harvest vessel utilizes open decks or holds, tubs or totes, or other similar largecapacity holding units for the transport of loose, bulk shellstock, the vessel may utilize a single harvest identification tag. ****Quantity of shellstock must be indicated on the bulk tag.***
- **BOAT CONSTRUCTION** –All vessels used in the gathering of shellstock shall be constructed, used, and maintained in a manner that will prevent product contamination; this includes bilge water. Elevated decks in boats can keep shellstock above any bilge water that has accumulated in the bottom of the boat. Fuel containers and any human waste containers should be stored so as to prevent any spillage on or near the shellstock or in the water. **Human Waste should never be discharged into the waters of a shellfish growing area!!!!** This could result in deadly bacteria being introduced to the shellfish which would later be harvested and sold to consumers. Always store any human waste in a container with a tight fitting lid or have on board a United States Coast Guard (USCG) approved Marine Sanitation Device. If a bucket with a tight fitting lid is used, it must be labeled HUMAN WASTE and not used for any other purposes. Once back to the land it should be emptied in a toilet or portable toilet only.
- **TRANSPORTATION** - Vehicles used to transport shellfish shall be constructed, operated, and maintained to prevent contamination, deterioration, and decomposition of shellfish. Shellfish transported in unenclosed vehicles shall at all times be protected by effective coverings. Enclosed vehicles such as refrigerated box trucks should be maintained and cleaned to prevent the buildup of unsanitary conditions. Refrigeration units on these trucks should be capable of maintaining an ambient air temperature of 45 degrees F. or less. When non-refrigerated vehicles are used to transport shellstock to a certified dealer, an effective covering should be used to prevent debris and road film from being sprayed onto shellstock. The coverings also help to prevent the shellstock from being in direct sunlight and increased post harvest temperatures.

For questions about any of this information contact your local SCDHEC Shellfish Officers:

Horry and Georgetown Counties: Myrtle Beach office – 843 -238-4378 Charleston

County : Charleston office - 843-953-0150

Beaufort, Colleton and Jasper Counties: Beaufort office - 843-846-1030 Closure

Hotline 1-800-285-1618

Summary of Eel Laws

2017-2018

This document should be kept on board all vessels employed for commercial eel/elver fishing as a reference to regulation, not to supersede knowledge of the pertinent laws. Complete laws can be found at www.scstatehouse.gov.

License Requirements:

| | <u>Resident</u> | <u>Non-Resident</u> |
|----------------------------------|--|---|
| Saltwater License Requirements: | | |
| Saltwater Commercial License | \$25.00 | \$300.00 |
| Equipment: POTS/TRAPS | \$25.00 for 1 st 50, \$1 for each additional | \$125.00 for 1 st 50 \$5 for additional |
| DIP NET | \$10.00 each | \$50.00 each |
| FYKE NET | \$10.00 each | \$50.00 each |
| SC Dealers: Wholesale | \$100.00 | \$500.00 |
| Bait | \$25.00 | \$125.00 |
| Freshwater License Requirements: | | |
| Commercial License | \$50.00 | \$1000.00 |
| Equipment: TRAP/POT TAG | \$5.00 each | \$50.00 each |

Permits:

A permit must be obtained prior to fishing for any stage of the American eel with any type of gear in all waters of the State. Permit conditions apply to both fresh and marine waters within those areas, which have been designated as open to eel fishing. Permits will be issued to individual fisherman by gear type and river system.

Commercial eel taking permits; conditions; penalty:

Permits granted under this section may be limited in number and may be conditioned so as to designate seasons, size limits, take or catch limits, hours, areas, fishing methods, type and amount of equipment, and catch reporting requirements. **[Section 50-5-1555 (B)]**

The Department may define an approved fyke net for the taking of eels in the waters of this State and may permit and limit its use by means of permits granted under this section. **[Section 50-5-1555 (C)]**

A commercial fisherman who sells shad, herring, or eels must sell to either a licensed wholesale seafood dealer or a licensed bait dealer or must be licensed as a wholesale seafood dealer or bait dealer. **[Section 50-5-1556]**

A person taking shad, herring, or eels for commercial purposes:

- (1) in the salt waters of this State, must obtain a commercial saltwater fishing license and a commercial saltwater equipment license and related permits;
- (2) in the freshwaters of this State, must obtain a commercial freshwater license and a commercial saltwater equipment license and related permits. **[Section 50-9-420]**

A person taking shad, herring, or eels for recreation:

- (1) in the saltwaters of this State must have a recreational saltwater fishing license; if using a gill net or eel pot, must have an annual recreational saltwater license and a saltwater commercial equipment license and related permits;
- (2) in the freshwaters of this State must have a recreational freshwater fishing license; if using a gill net or eel pot, must have an annual recreational freshwater fishing license and a saltwater commercial equipment license and related permits. **[Section 50-9-545]**

It is unlawful for a recreational fisherman to take more than fifty eels per day. Each eel must be at least six inches in length. **[Section 50-13-645]**

Elver fyke net and dip net licenses/ permits are limited to a maximum of 10 fishermen in SC. Each year fishermen who held an elver fyke net and/ or dip net license/ permit in the previous year, received no conservation violations during the previous year, complied with all permit conditions including reporting requirements the previous year will receive preference the following year. All licenses and permits are issued in the Charleston Commercial License Office, if you have any questions please call (843) 953-9311.

All permits must be obtained through the Permitting Office at the Office of Fisheries Management at 217 Fort Johnson Road, Charleston, SC 29412.

As required by S.C. Code Section 8-29-10, applicants for a commercial license or permit are required to complete an affidavit entitled "Verification of Lawful Presence in the United States" certifying that the applicant is lawfully in the United States. The affidavit **MUST** be completed, notarized and returned with the application. If you are a US citizen, the properly filled out affidavit is all that is required. If you are not a US citizen, you will be required to provide documentation, which is subject to verification with the Department of Homeland Security. Specific types of documentation that may be provided can be found on Page 2 of the form, under "Accepted Immigration Documents." Your application for a commercial license or permit will be returned if the affidavit and documentation is not received and notarized. If your license/permit is in a company name the owner/responsible party for the company must complete the affidavit and indicate the business information on the bottom right of the form. The affidavit only needs to be completed once if you are a U.S. Citizen 18 years of age or older, all others will be required to resubmit the affidavit each time an individual applies for a commercial license or permit from the Department.

If you are convicted for an offense, there may be points assessed against your license or your privileges may be suspended if the statute requires it. Upon an accumulation of eighteen (18) or more points, the privileges of that license will be suspended for one year. Points and violations can be found in the SC DNR Rules and Regulations book or SC Code of Laws 50-5-2500(A).

If your license/ permit is suspended or revoked, you are entitled to an administrative appeal pursuant to the South Carolina Administrative Procedures Act. The review must be scheduled by the Administrative Law Court in accordance with the division's procedural rules. The scope of the hearing is limited to the issues set out by the Administrative Procedures Act and the division's procedural rules. Appeals must be filed and served within 30 days of suspension/ revocation notice with the Clerk of Court of Administrative Law Court 1205 Pendleton Street Suite 224 Columbia, SC 29201, telephone (803)734-0660.

Eel Harvest Reporting

- 1) All commercial and recreational fishermen harvesting eel must submit trip report forms to the Marine Resources Division's Fisheries Statistics Program, P.O. Box 12559, Charleston, SC 29422-2559 on a **MONTHLY** basis for all trips taken during the month.
- 2) Reports must be received by the 10th of the following month regardless of whether or not fish were caught. If you **DID NOT FISH** during a month, a single form must be submitted indicating you **DID NOT FISH FOR MONTH (month)**. If reports are not received by the 10th, you will forfeit your right to participate in the fishery.
- 3) Reports should be complete and accurate. This data will be utilized by the Department to manage the eel fishery, therefore your cooperation is not only required, but greatly appreciated.
- 4) Eel harvest report forms can be mailed to license holders. Contact Angel Brown at 843-953-9311 or brownac@dnr.sc.gov for report forms.

Information for the 2017-2018 Eel Fishery

Just a reminder, if you plan to catch eels and **sell** your catch you **MUST**:

- Buy a commercial license.
- Buy equipment license (fyke net, pots/traps, or dip net)
- Be a licensed SC wholesale Seafood Dealer/ SC Bait Dealer OR sell only to a licensed SC Wholesale Seafood Dealer/ SC Bait Dealer
- Obtain a PERMIT for your gear
- **Complete** and return **Mandatory Eel Harvest Report Forms** to SCDNR.

Just a reminder, if you are a *recreational* fisherman you **MUST**:

- Buy a recreational fishing license
- Buy equipment licenses (eel pot/ trap tags)
- Obtain a PERMIT for your gear
- **Complete** and return **Mandatory Eel Harvest Report Forms** to SCDNR.
- * ***Recreational fishermen are prohibited from selling their catch*** *

Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, **MUST** be fined \$155-\$1,088 or imprisonment for 30 days. In addition, any catch, load, or shipment of seafood in the possession of those violators may be seized and sold, with the proceeds held pending the disposition of the case.

Please fill out all blanks on Mandatory Eel Harvest Forms and return them by the 10th of the following month. Reports must be returned by the 10th of the month even if you did not fish. It is important for the management of the species to know:

- **What river you are fishing**
- **What type of gear you are using (fyke net, pots, or dip net)**
- **How long your gear is in the water (How long you fish per trip)**
- **Number or pounds of Eel caught**

If you have any questions or concerns, feel free to contact SCDNR personnel.

Commercial Licensing (843) 953-9301 then press 4

Permitting (843) 953-9311

Bill Post (843) 953-9821

Summary of Commercial Mudminnow Laws

2017-2018

This document should be kept on board all vessels engaged in commercial mudminnow fishing as a legal reference, not to supersede knowledge of the pertinent laws. Complete laws can be found at

www.scstatehouse.gov.

License Requirements: [Section 50-5-355 (A), Section 50-5-325 (A)(2)]

| | <u>Resident</u> | <u>Non-Resident</u> |
|-------------------------|-----------------|---------------------|
| Bait Dealer License | \$25.00 | \$125.00 |
| Minnow Traps (up to 50) | \$25.00 | \$125.00 |
| Each additional trap | \$1.00 | \$5.00 |

Definitions:

“Minnow trap” means a trap having no opening which has a dimension greater than one inch only when used for taking small finfish for bait. **[Section 50-5-15 (34)]**

Minnow traps for commercial purposes.

A person may use lawful minnow traps to take fish for a commercial purpose for use as bait without a commercial saltwater fishing license. **[Section 50-5-330 (C)]**

Display of licenses, permits, and vessel's identification decal; transfer of licenses; penalty.

While exercising the privilege of a license or permit the licensee, operator, or permittee must display or keep on his person the license or permit, and the license or permit must be produced on demand of department personnel or other law enforcement personnel. **[Section 50-5-350 (A)]**

Bait dealer licenses; fees; inspections; penalties.

For the privilege of taking or landing any saltwater species to be sold, bartered, or traded as bait or offered for sale as bait or selling or offering for sale as bait any saltwater species taken or landed in this State, a resident must first acquire a bait dealer license for twenty-five dollars. A nonresident must acquire a bait dealer license for one hundred twenty-five dollars. The department may inspect the business premises or floating equipment, or both, of a person applying for a bait dealer license and of a licensed bait dealer engaged in harvesting and selling bait. A person who takes, attempts to take, sells, or offers for sale any saltwater fish or fishery product for bait, except maricultured fish or fishery product in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five dollars nor more than five hundred dollars or imprisoned for not more than thirty days. **[Section 50-5-355 (A)]**

A licensed bait dealer who only sells fish or fishery products to be used solely as bait does not have to acquire a wholesale seafood dealer license. **[Section 50-5-355 (B)]**

Information or report by license or permittee to take saltwater fishery product for commercial or scientific purpose.

A person or entity licensed or permitted by the department engaged in the take, distribution, or propagation of any saltwater fishery product for a commercial or scientific purpose must keep accurate records and may be required to provide accurate information and reports to the department on forms

and by methods required by the department for the administration and enforcement of saltwater fishery laws and for fisheries management purposes. The department has concurrent authority with the United States to collect or require the submission of pertinent data specified pursuant to the federal Fishery Conservation and Management Act of 1976, as amended. Any information which directly or indirectly discloses the identity of a licensee or permittee or income amounts or trade secrets or other specialized methodologies for growing or taking or marketing saltwater fisheries products is not public information. Information on fisheries furnished by any source which is required by a state or federal law to be kept confidential is not subject to disclosure except when required by order of a court of competent jurisdiction. **[Section 50-5-380 (A)]**

A person or entity licensed or permitted under this chapter who fails to make an accurate and timely report as required by the department is guilty of a misdemeanor and, upon conviction, the person must be fined not less than twenty-five dollars nor more than two hundred dollars or imprisoned for not more than thirty days for each report, and the department must suspend the license or permit under which the report is required until accurate and complete reports are submitted to the department. Each delinquent or inaccurate report must be handled as a separate offense. The provisions of this section do not supersede or replace any criminal sanctions for defrauding or attempting to defraud this State. **[Section 50-5-380 (C)]**

Trap buoy size, material, catch release feature and identification tag or other identifying information requirements; seizure of unmarked traps.

Minnow traps used for commercial purposes must utilize floats no smaller than five inches marked with the operator's name. **[Section 50-5-550 (A)]**

The department may require that each trap set in the salt waters of this State have catch release features and identification tags designated by the department. **[Section 50-5-550 (B)]**

A trap not marked in accordance with this section is contraband and must be seized and disposed of as provided in this chapter. **[Section 50-5-550 (E)]**

Trap placement and attention requirements; department inspection, removal, seizure, and disposal.
No trap may be placed within six hundred feet of a public boat ramp or launching area. **[Section 50-5-555 (A)]**

No trap may be set so as to leave any portion of the trap dry at any stage of the tide. **[Section 50-5-555 (B)]**

No trap may be unattended for more than five days. Without having written permission of the owner, no person may retrieve or remove catch from any trap the buoy of which is marked with a number assigned by the department to another person. **[Section 50-5-555 (C)]**

No trap may be set so as to obstruct navigation in any creek or other navigable water course, access point, or mooring point. A trap determined by the department to be in violation of this section may be removed by the department and disposed of as provided in this chapter. **[Section 50-5-555 (D)]**

The department may inspect traps for compliance with this section at any time. If the department finds any trap:

- (1) set in violation of this section;

- (2) containing excessive dead catch or only dead catch; or
- (3) with buoy, line, or trap displaying excessive marine growth, the trap is contraband and must be seized and disposed of as provided in this chapter . **[Section 50-5-555 (E)]**

* If you no longer need your license please be sure to surrender it to the Commercial License office in Charleston (PO Box 12559 Charleston, SC 29422). If you have questions about surrendering your license please call (843)953-9311.

As required by S.C. Code Section 8-29-10, applicants for a commercial license or permit are required to complete an affidavit entitled "Verification of Lawful Presence in the United States" certifying that the applicant is lawfully in the United States. The affidavit MUST be completed, notarized and returned with the application. If you are a US citizen, the properly filled out affidavit is all that is required. If you are not a US citizen, you will be required to provide documentation, which is subject to verification with the Department of Homeland Security. Specific types of documentation that may be provided can be found on Page 2 of the form, under "Accepted Immigration Documents." Your application for a commercial license or permit will be returned if the affidavit and documentation is not received and notarized. If your license/ permit is in a company name the owner/responsible party for the company must complete the affidavit and indicate the business information on the bottom right of the form. The affidavit only needs to be completed once if you are a U.S. Citizen 18 years of age or older, all others will be required to resubmit the affidavit each time an individual applies for a commercial license or permit from the Department.

If you are convicted for an offense, there may be points assessed against your license or your privileges may be suspended if the statute requires it. Upon an accumulation of eighteen (18) or more points, the privileges of that license will be suspended for one year. Points and violations can be found in the SCDNR Rules and Regulations book or SC Code of Laws 50-5-2500(A).

If your license/ permit is suspended or revoked, you are entitled to an administrative appeal pursuant to the South Carolina Administrative Procedures Act. The review must be scheduled by the Administrative Law Court in accordance with the division's procedural rules. The scope of the hearing is limited to the issues set out by the Administrative Procedures Act and the division's procedural rules. Appeals must be filed and served within 30 days of suspension/ revocation notice with the Clerk of Court of Administrative Law Court 1205 Pendleton Street Suite 224 Columbia, SC 29201, telephone (803)734-0660.

CPM Fisherman Survey Regarding Distribution of Information

You have been selected to participate in a commercial fishery survey to better assist SC DNR in making decisions regarding the manner in which we distribute information about commercial fisheries. As a commercial fisherman in SC you purchase a commercial saltwater license, charter license, wholesale seafood dealer license, or bait dealer license to derive income from the resources of the state. Please take the time to answer the following questions below, your input is important and necessary to improve our processes as we move forward.

1. Do you participate in more than one commercial fishery in SC?

Yes
No

2. Are you satisfied with the Summary of Laws provided regarding your fishery, provided when you purchase a license?

Yes
No

3. Is the information provided clear/ do you understand the information provided when you purchase a commercial license?

Yes
No

4. Would you prefer information about your fishery be:

- a. Copy and pasted code sections from SC Code of laws
- b. Summarized explaining what the laws and regulations mean possibly with examples and depictions
- c. Combination of a. and b.
- d. Other _____

5. Would you prefer the fishery information be provided:

- a. In print
- b. On DNR website
- c. Both
- d. Other _____

6. Are you satisfied with the method in which DNR communicates news/ changes in your fishery?

Yes
No

7. How would you prefer DNR communicate news/ changes in your fishery (circle one or all)?

- a. Postcard notice mailed USPS
- b. SMS text notification
- c. Call/ Voicemail notification
- d. Email notification
- e. Website notification
- f. Other _____